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ABSTRACT

A history of the state of Virginia from 1763 to 1783 is presented. Intended for use in the public schools of Virginia, the publication was prepared to assist educators in developing topics of study relating to Virginia's role in the American Revolution and to help students develop deeper appreciation for their rich heritage. The study is divided into five parts. Part I, "1763: The Aftermath of Victory," relates Virginia's political philosophy and tells of Britain's difficulties in meeting the costs of victory over other contenders for influence in North America. Part II, "From Revolution to Independence," chronicles the decaying political relations between Britain and the colonies between 1763 and 1775. Part III, "From Revolution to Independence," describes the First Virginia Convention and the First Continental Congress and gives an account of Virginia's position as a free and independent state. Part IV, "The Commonwealth of Virginia," describes military and economic activities from 1776-1782. Part V, "The War For Independence," includes information on the continental army, the Indian wars, the invasion of Virginia, and Virginia's participation in the siege at Yorktown. A bibliography, appendix, and a copy of the Declaration of Independence are included. (Author/DB)

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Virginia 1763-1783

HISTORY, GOVERNMENT, AND GEOGRAPHY SERVICE
DIVISION OF SECONDARY EDUCATION
STATE DEPARTMENT OF EDUCATION
RICHMOND, VIRGINIA

The Road to Independence:

Virginia 1763-1783

HISTORY, GOVERNMENT, AND GEOGRAPHY SERVICE
DIVISION OF SECONDARY EDUCATION
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RICHMOND, VIRGINIA

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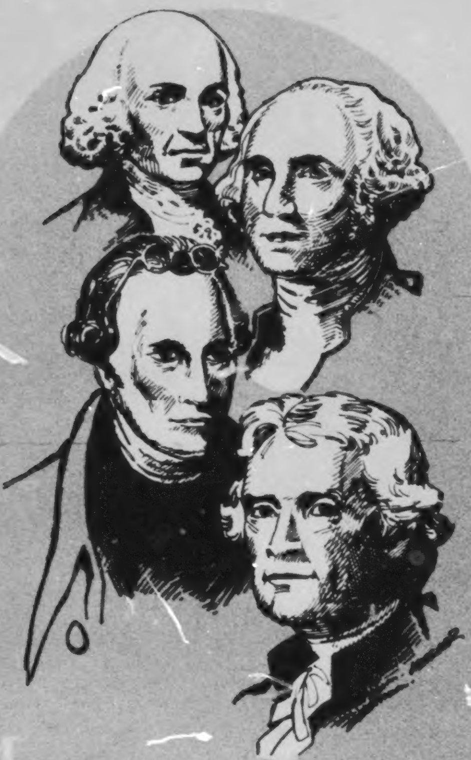

Foreword

Many of the fundamental principles of our nation's development are rooted in the Colonial Period; therefore, this era deserves careful attention in the public schools of Virginia. The spirit of freedom engendered in the early days of the nation's history has remained the hallmark of the nation. It has been maintained by commitment to democratic traditions and values.

In the public schools of Virginia, various courses deal with American history, and consideration and study is given to the Colonial Period from kindergarten through grade twelve. The publication entitled, THE ROAD TO INDEPENDENCE: VIRGINIA 1763-1783, offers educators a special challenge to select important areas of emphasis for the period 1763-1783 that will provide an improved perspective for individuals to see new meaning in familiar events. The material in this publication is presented in a broad context to enable Americans to comprehend the ideas, events, and personalities of the period. It is hoped that this publication will help to accomplish this goal.

W. E. Campbell
State Superintendent of
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Introduction

Virginia, the birthplace of our nation, played an important role in the winning of American independence. Virginia, the largest and the most influential of the 13 colonies, led the struggle for American independence and has helped to formulate American ideals and to shape our country's institutions.

This publication was prepared to assist educators in developing topics of study relating to the American Revolution and Virginia's role in the winning of independence and to help students develop deeper appreciation for the rich heritage that is theirs as citizens of the Commonwealth. The Virginia tradition was created by responsible men and women who believed in the inherent dignity of the individual, the role of government as a servant of the people, the value of freedom, justice, equality, and the concept of "rule of law." These ideals and beliefs remain the hallmark of Virginia and the nation.

Important objectives of this publication are:

To emphasize the study of Virginia history during the period from 1763 to 1783 when the state exerted influential leadership and wisdom in the winning of American independence;

To develop a deeper understanding of the meaning of freedom and basic principles and traditions which have nourished and sustained the American way of life;

To further an understanding of individual rights and responsibilities in a free society;

To further an understanding of the heritage of freedom and the importance of perpetuating democratic traditions; and

To further an understanding of the concept of self-government and the American way of life.

It is hoped that this publication will assist in achieving these objectives.

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The Road to Independence: Virginia 1763-1783

Part I:

1763: The Aftermath of Victory

Virginia in 1763 appeared to stand on the edge of a new era of greatness. The Peace of Paris signed that year confirmed the total victory of the British in North America during the long French and Indian War (1754-1763). Virginia's natural enemies were subdued: the French were driven from Canada, the Forks of the Ohio, the Illinois Country, and Louisiana; the Spanish were forced to give up Florida; and the Indians, now without any allies, were defeated or banished beyond the Appalachians. Virginians were free to continue their remarkable growth of the past 40 years during which they had left the Tidewater, pushed up the James, Rappahannock, Appomattox, and Potomac river basins, and joined thousands of Scotch-Irish and Germans pushing southward out of Pennsylvania into the Valley of Virginia. Although they were halted temporarily in 1755 when Braddock's disastrous defeat in Pennsylvania and the massacre of frontier poineer James Patton at Draper's Meadow (Blacksburg) encouraged the Indians to resist the

"He has refused to assent to laws the most wholesome and necessary for the public good..."

white man's advance, Virginians eagerly eyed the lands in southwestern Virginia along the Holston, Clinch, and French Lick Rivers and those that lay beyond the mountains along the Ohio. This territory, from which was carved the states of Kentucky and West Virginia, made Virginia, even without considering her strong claim to all the lands north of the Ohio, the largest of the American colonies.

Following the end of the French and Indian war, Virginians expected to recapture the economic prosperity that had been interrupted by the conflict. In 1763, they were the most affluent and the most populous white colonists. There were at least 350,000 settlers, including 140,000 slaves, in Virginia. Pennsylvania, the next largest colony, had 200,000 residents. If the past was any indication, the numbers of Virginians surely would multiply. In 1720 there were 88,000 colonists in Virginia, 26,000 of whom were black. The years between 1720 and 1750 had been very fruitful ones and were to be remembered as "the Golden Age" of Colonial Virginia. Virginia and Maryland were ideal colonies for the British. The Chesapeake colonies produced a raw material (tobacco) which the British sold to European customers, and they bought vast quantities of finished products from craftsmen and manufacturers in the mother country. These were years when the English mercantile system worked well. There was lax enforcement of the Navigation Acts, liberal credit from English and Scots merchants, generous land grants from the crown, a minimum of interference in Virginia's government, and peace within the empire. Both mother country and colony were happy with the arrangement. With peace would come a renewal of those "good old days." Or so Virginians thought. But it was not to be so.

It is never possible to return to the **status quo ante bellum.** It would not be possible for Great Britain to do it in 1763. The British ended the Seven Years War (the French and Indian War 1756 became a general world war) as the dominant country in Europe, triumphant over France in India, the West Indies, and North America, and owners of Spanish Florida. Yet victory had its price and its problems. The wars had to be paid for; a policy for governing the new territories had to be formulated; the Indian tribes beyond the Appalachians had to be pacified and protected; and Britain had to remain "at the ready" to defend her newly-won position of power.

Neither France, nor Spain, was about to give in easily. The French, particularly, were awaiting the chance to challenge the British. For that reason, the Peace of Paris was only a truce in a series of wars which began in the 1740's and did not end until the defeat of Napoleon in 1814. The eager French support of the American Revolution was based on more than the attraction of young aristocrats like Lafayette to the republican ideals of a war for independence. French self-interest and revenge also were heavily involved.

The foremost task facing Britain was meeting the costs of victory. To gain and maintain the new empire cost great sums of money which the crown knew it could not extract from British taxpayers already overburdened with levies on land, imports, exports, windows, carriages, deeds, newspapers, advertisements, cards and dice, and a hundred other items of daily use. The land tax, for instance, was 20 percent of land value. These were taxes parliament had levied on residents in Great Britain but not on the colonists. Many taxes had been in effect since an earlier war in the 1740's (King George's War). With the national debt at a staggering £146,000,000, much of it the result of defending interests in the New World, and several million pounds owed to American colonies as reimbursement for maintaining troops during the war, British taxpayers, rich and poor alike, expected relief. In fact, these war debts forced parliament to impose additional taxes in 1763, including a much-despised excise tax on cider. It is hardly surprising to find most Britons agreed that in the future the Americans should be responsible for those expenses directly attributable to maintaining the empire in America. That future costs were to be shared seemed politically expedient and the reasonable thing to do. Every ministry which came to power in Britain after 1763 understood this as a national mandate it could not ignore.

The French and Indian War produced a rather curious and very significant by-product: the English literally rediscovered America and Virginia. Since the late 17th Century there had been very little personal contact between Englishmen in authority and the colony. From 1710 to 1750, the years when all was running so well, the only contact Virginia had with English government was through her royal governor. Most of the other royal officials in Virginia were Virginians, not Englishmen. And, as events turned out, even the royal governors were a thin line of communication. Governor Alexander Spotswood (1710-1722) became a Virginia planter rather than go home to Britain; Governor Hugh Drysdale (1722-1726) died in Williamsburg; and Governor William Gooch (1727-1749) served in the colony for 22 years without once visiting England. Moreover, fewer young Virginians were going to England for their schooling, preferring to attend the College of William and Mary or the recently opened College of New Jersey (Princeton). There were, of course, London and Bristol tobacco merchants who knew Virginia well, but the great increase in Virginia wealth after 1720 was partially obscured from Englishmen because it was the Scots merchants, not the English, who came to control much of the Chesapeake tobacco trade.

English politicians and citizens alike had a very incomplete understanding of the great strides made by Virginia. They still thought of Virginians as provincials, struggling in the wilderness, or as impoverished Scots, Irish, and Germans living in the back-country. Hundreds of English military officers, many of whom would achieve positions of political influence in the 1760's and 1770's, were surprised to find Virginia and other American colonies to be economically prosperous, socially mature, and attractive places in which to live. Englishman after Englishman wrote about Virginians who lived in a style befitting English country gentry and London merchants. Over and over again they noted the near absence of poverty, even on the frontier. Their discoveries matched English political needs. Not only was it necessary for the Americans to assume a greater share of the financial burdens, Englishmen now knew they could do it.

These Englishmen also made another major discovery—the colonies were violating the English constitution; they had grown independent of the crown and the mother country. They paid little attention to parliamentary laws and the Navigation Acts; they smuggled extensively and bribed customs officials; and they traded with the enemy in wartime. They had developed political practices which conflicted with the constitution as the British knew it. Legislatures ignored the king's instructions, often refused to support the war efforts until they had forced concessions from the governors, and had taken royal and executive prerogatives unto themselves. Worse yet, royal governors like Robert Dinwiddie and Francis Fauquier yielded to the demands of the House of Burgesses and accepted laws explicitly contrary to their royal instructions. What these Englishmen discovered was the collapse of the imperial system as set forth in the creation of the Board of Trade in 1696. In its place there had been substituted, quite unnoticed by British officials, the House of Burgesses which thought of itself as a miniature House of Commons.[1]

Once the British made the discovery about these constitutional changes they quite understandably believed such conditions could not be ignored. Quite understandably, the Virginians were not willing to give up rights and privileges which they believed were theirs, or the semiautonomy they had enjoyed the previous 30 years.

The New Generation in Politics: Britain and Virginia

There came to power in the 1760's an entirely new political leadership in England. The most important change was the kingship itself. George II, who had come to the throne in 1727, died in 1760 and was succeeded by his grandson, George III. Unlike his grandfather and his great-grandfather, George I (1715-1727), both of whom were essentially Hanoverians, George III "gloried in the name of Briton" and believed it was essential for the king to be his own "prime" minister and for the king to be active in managing the crown's political affairs in parliament. Unlike the first two Georges, the third George could not achieve the political stability which Robert Walpole and the Duke of Newcastle had imposed on parliament from 1720 to 1754. It is well known that George had a congenital disease which pushed him into periods of apparent insanity during his long reign (he died in 1820). Present day medical scholars now believe that this illness was perhaps porphyria or some type of metabolic illness, which could now be treated and controlled by diet and medication. Such illness does not appear to have been a major factor in his actions prior to the Revolution, the first significant attack not occurring until 1788. Instead, the stolid and often plodding king tended to rely upon men like the unimaginative Lord Bute or his somewhat stodgy wife, Charlotte of Mecklenberg (for whom two Virginia counties and the town of Charlottesville are named.) The breakdown of the once-powerful Whig political coalition also added to the king's problems.

About the time George ascended the throne, the English Whigs who had dominated English politics since 1720 fell victim to their own excesses. Walpole and Newcastle had controlled and directed parliament and the ministry through the "judicious" use of patronage and government contracts and contacts. Nevertheless they had done so with a consistent governmental program in mind and in a period of peace. By the 1760's the Whigs had deteriorated into factions quarreling over patronage, spoils, and contracts, not policy. They became thoroughly corrupt and interested in power primarily for personal gain. Consequently, the king could not find anyone whom he could trust who could also provide leadership and hold together a coalition capable of doing his business in the House of Commons.

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[1] An excellent summary of the ways in which the Virginia burgesses and their counterparts in North and South Carolina and Georgia quietly gained the upper hand by mid-century, see Jack P. Greene, **Quest for Power** (University of North Carolina Press: Chapel Hill, North Carolina, 1963).

He tried Whigs George Grenville (1763-1765), Lord Rockingham (1765-1766), Lord Chatham, the former William Pitt (1766-1768), and the Duke of Grafton (1768-1770). Finally, in 1770, he turned to Lord North and the Tories. North held on until 1782.

What these frequent changes suggest is that at the height of the American crisis in the 1760's, when the real seeds of the Revolution were being sown, the instability of the British parliamentary government precluded a consistent and rational approach to Amercan problems. Lacking internal cohesion, the English government could not meet the threat of external division. It also means that the colonists, especially the Virginians, saw parliament as being thoroughly corrupt and the king surrounded by what even the mild-mannered Edmund Pendleton called "a rotten, wicked administration." Not until the eve of independence in 1776 were Virginians to think of George as a tyrant and despot. In fact, he was neither. He was a dedicated man of limited abilities in an age demanding greatness if the separation of the American colonies from the empire was to have been prevented. Perhaps even greatness could not have prevented what some have come to believe was inevitable. (For a sympathetic study, see **King George III**, by John Brooke, McGraw-Hill, New York, 1972).

Leadership also changed dramatically in Virginia in the 1760's. This was partially due to changing economic conditions. Prosperity did not return as rapidly as expected. The long war probably masked a basic flaw in the Virginia economy which Virginians believed they had solved—they were too reliant on tobacco. The great Virginia fortunes of the mid-18th Century were built on extensive credit from Britain, the efficient operation of the mercantile system, the initiative and enterprise of Scots merchants who had succeeded in marketing in Europe nearly all the tobacco produced by the new planters in the Piedmont and Northern Neck, and by the prudence of the planters themselves.

Such a favorable balance of economic factors did not exist in the 1760's. The European market could not absorb continued annual increases in the good, cheap tobacco Virginia produced. Prices fell. With an oversupply of tobacco in the warehouses, English and Scots merchants limited further credit extensions and called for repayment of long-outstanding loans. Within Virginia the centers of tobacco production shifted from the older, worn-out Tidewater lands to the newer, richer soils along the Fall Line, on the Piedmont, and in the Northern Neck. A few men like George Washington switched from tobacco to wheat, corn, barley, and rye. Most Tidewater planters did not realize fully what was happening to them, presuming at first that they were just in another swing of the unpredictable tobacco business cycle, and were not caught in a situation which would be permanent. Eventually the total debt of Virginians, most of it owned by Tidewater planters, to Scots and English merchant houses reached £2,000,000, equalling the total private debts of the other 12 colonies.

One other economic factor was apparent to many Virginians—they were living beyond their means, building fine houses, furnishing them with exquisite taste, wearing the latest fashions, riding in expensive carriages, and occasionally over-extending themselves at the gaming tables and race courses. Although these personal extravagances added to the debt structure, they would not have been so significant if they had not been accompanied by a lack of business ability among some of the younger Tidewater planters. The sons did not seem to have inherited the same business acumen and hard-driving business instincts of their fathers and grandfathers. Having grown up in a period of affluence, they were eternally optimistic that it would continue, that their setbacks were temporary, and their social positions were secure. Like men everywhere when their private world begins to break down, they tended to strike out at those closest to them—the merchants who extended the credit, the tobacco buyers who would not pay top prices, and the politicians in power. It was not the best of times for London to be asking some Virginians to pay new and quite different taxes.

Had the opposition to taxes been led mainly by those who faced bleak economic futures or the loss of once-powerful positions and declining family status, one could agree with those who say that the reaction of Virginians to the Currency, Sugar, Stamp, or Tea Acts was primarily economic. However, there were many other rising young leaders, families which had managed their estates, and men who lived within their means, paid attention to their debts, and resisted credit extensions until their tobacco was harvested and cured. They also took violent exception to crown and parliamentary solutions to imperial problems. The growing personal indebtedness caused Virginians to rethink their economic ties to the empire, it did not cause them to seek independence in order to avoid paying their bills.[2]

Political leadership changed during the 18th Century from the council to the House of Burgesses and from a few great families to a broad-based gentry. In the early 18th Century several great families directed Virginia politics. Mostly members of the Governor's Council, they not only won power and wealth for themselves, they challenged the power of the royal governors and managed to defeat or neutralize several strong-willed governors, including Governor Francis Nicholson (1698-1705) and Governor Alexander Spotswood. They even converted Spotswood into a Virginia planter. The council reached its height of power in the 1720's and then lost its influence as the great planters passed on. Robert "King" Carter died in 1732, Commissary James Blair in 1743, William Byrd II in 1744, Thomas Lee in 1750, and Lewis Burwell in 1751. Only Thomas Lee successfully passed on his political position to his heir, Richard Henry Lee. Unlike his father, Lee achieved his power in the House of Burgesses.

The day of the House of Burgesses had come. Its leader was John Robinson, of King and Queen County, whose father and uncle had been councilors. From the day in 1738 when he became Speaker of the House and Treasurer of Virginia until his death in 1766, Robinson quietly and efficiently built the power and influence of the burgesses. He took as his watchword the promise of his predecessor as speaker, Sir John Randolph, to the burgesses:

> The Honour of the House of Burgesses hath of late been raised higher than can be observed in former Times; and I am persuaded you will not suffer it to be lessened under your Management.
> I will be watchful of your Privileges, without which we should be no

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[2] For differing views of the debt situation see Lawrence H. Gipson, **The Coming of the Revolution** (Harper and Row: New York, 1954), 40-54, and Emory G. Evans, "Planter Indebtedness and the Coming of the Revolution in Virginia," **William and Mary Quarterly**, 3rd series, XIX (1962), 511-33. Evans holds an anti-debt position.

> more than a dead Body; and advertise you of every Incident that may have the least tendency to destroy or diminish them . . .[3]

Robinson never flagged in his devotion to protecting and advancing the privileges of the house.

Robinson correctly understood the times. By the 1730's the number of affluent families numbered well over 100 and could no longer be effectively represented by the 12-member council. Many burgesses not only were as wealthy as councilors, they were their social equals. Quite commonly they were their brothers or nephews. As the burgesses gained the ascendancy over the council, the house became, in the words of Carl Bridenbaugh, "the tobacco gentry club." There sat the new generation of Randolphs, Harrisons, Nelsons, Robinsons, and Lees.

There developed around Robinson and his cousin, Attorney-General Peyton Randolph, a group of like-minded gentry known in Virginia politics as the "Robinson-Randolph Clique." Mostly planters and burgesses from the James and York river basins, they included a few of their heirs who had built substantial plantations on the Piedmont. Their principal rivals had been northern Tidewater and Northern Neck planters led by Councilor Thomas Lee and then by Richard Henry Lee. Although these rival gentry groups might compete for choice lands in western Virginia and the Ohio Valley and for royal offices and positions of influence, they did not differ in political philosophy. Nor did they deny house leadership to men with talent. Unlike their counterparts in the House of Commons they did not differ on matters of English policy—political and economic decisions were to be made in Virginia by Virginians and not by royal governors, the Board of Trade, the crown, or the English Parliament. Above all it was not to be made by parliament. They were the parliament for Virginia.

In the 1760's three new groups joined the prevailing Robinson-Randolph leadership. The first was the generation born in the 1730's and 1740's which would reach maturity in the 1760's and be waiting to enter the "tobacco club" as a matter of birth. The second was a generation of men who had achieved wealth and influence, mainly in the Piedmont, whose fathers and brothers had not been in the first rank of planter gentry. The third was a new element—burgesses from recently established frontier counties who had the ambition, drive, and determination to make good which were characteristics of the late 17th Century founders of the great families. Rarely did these men want to overturn the prevailing political leadership, they wanted to join it. The declining fortunes of the Tidewater planters and the crises of the 1760's accelerated the rise to power of all three of these new elements in the House of Burgesses.

The Political Philosophy of Virginia, 1763

From that moment on September 2, 1774, when the Virginians appeared at the First Continental Congress in Philadelphia, and John Adams recorded in his diary, "The gentlemen from Virginia appear to be the most spirited and consistent of any," until Chief Justice John Marshall died in 1835, Americans marveled at the quality, quantity, and political brilliance of this generation of revolutionary Virginians. And we have marveled since.

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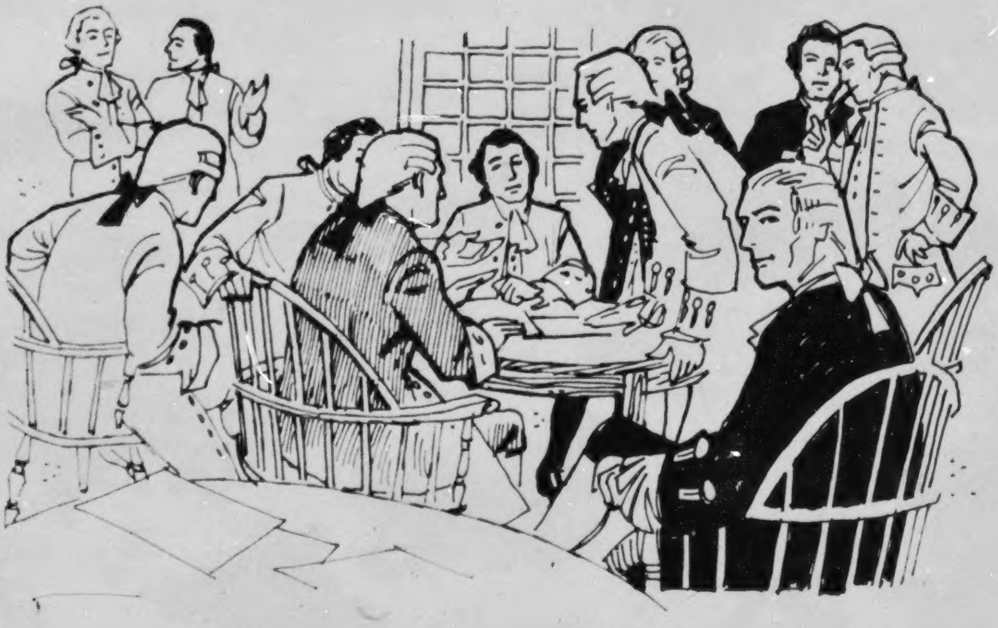
[3] Journal of House of Burgesses, 5 August 1736.



It was not just the towering national figures like Patrick Henry, Richard Henry Lee, George Washington, Thomas Jefferson, James Madison, James Monroe, and John Marshall, or the great state leaders like Peyton Randolph, Richard Bland, George Wythe, or Edmund Pendleton who astounded contemporaries. It was the fact that they knew of other men in Virginia as capable—Thomas Nelson, Jr., Benjamin Harrison, Severn Eyre, Francis Lightfoot Lee, John Page, John Blair, Jr., Robert Carter Nicholas, or Dr. Thomas Walker.

The key to the political sagacity of these revolutionary Virginians is found in the willingness of an elite group of planter gentry to serve government and to serve it well and in the acceptance of their leadership by the rest of the Virginians. It is found in the enlightened attitudes these leaders had about their responsibilities as officeholders to the people. It is found in the day-to-day operations of government in the county and the General Assembly not just in the great crises of the Stamp Act, the Coercive Acts, and Lexington and Concord. Liberty and freedom do not spring full-blown into life only in times of trial, they are nurtured carefully and often unknowingly over the years. They demand, as Jefferson said, "eternal vigilance." Certainly, liberty and freedom were not allowed to atrophy and become weak in colonial Virginia. Instead, it was the English who had not been vigilant and who had allowed a particularly strong concept of liberty to grow strong in Virginians.

How could a planter elite become the fount of republicanism.[4] First, the common bond of land and tobacco farming gave the large and small planters similar economic interests and a homogeneous society, at least east of the Blue Ridge Mountains. Second, the less-affluent farmer naturally elected his more prosperous neighbors to the House of Burgesses. The poorly run plantation was no recommendation for a public office whose main responsibility was promoting agricultural prosperity. Third, the hard-working small farmers lacked the time and money to serve in public office. Virginia had a long tradition of voluntary service in local government and only a small per diem allowance for attending the House of Burgesses. Finally, social mobility was fairly fluid in a fast-growing society, and the standard of living among the lower classes had improved visibly in pre-Revolutionary Virginia. The independent farmers and small slaveholders saw no reason to oust or destroy the power of the larger planters. They wanted to emulate them and they fully expected to be able to do so.

The liberal humanism of the planter gentry did much to assure the people that they had little to fear from their "betters." The gentry served because they believed in **noblesse oblige**—with power and privilege went responsibility. Honor, duty, and devotion to public and class interest called them to office, and they took that call seriously. They alone had the time, the financial resources, and the education necessary for public office. As social leaders they were expected to set an example in manners and public morals, to uphold the church, to be generous with benevolences, to serve with enlightened self-interest, and to be paragons of duty and dignity. With a certain amount of condescension and considerable truth, they thought colonial Virginia would be ill-served if they refused to lead and government was run by those who were less qualified to hold office. They set a standard which has remained the benchmark of Virginia political ethics.

Though they remembered their own interests, the burgesses believed they were bound to respect and protect those of others. This was a fundamental part of Virginia public ethics and was one reason for the absence of extensive political corruption. They held that sovereignty was vested in the people, who delegated certain powers to government. This they believed long before the Revolution. As early as 1736 Sir John Randolph reminded the burgesses:

> We must consider ourselves chosen by all the People; sent hither to represent them, to give their Consent in the weightiest of their Concerns; and to bind them by Laws which may advance their Common Good. Herein they trust you with all that they have, place the greatest Confidence in your Wisdoms and Discretions, and testify the highest Opinion of your virtue.[5]

When Randolph made these remarks, he was telling the burgesses what they already knew and at a time when there were no pressing public issues. It was this abiding interrelationship between electorate and representatives which was the strength of the Virginia political system. The gentry extolled republicanism not only because it seemed the right and just attitude but also because it worked.

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[4] See D. Alan Williams, "The Virginia Gentry and the Democratic Myth," **Main Problems in American History**, 3rd. ed. (Dorsey Press: Homewood, Illinois, 1971), 22-36.

[5] Journal of House of Burgesses, 5 August 1736.

The small farmers and slaveholders acted as a restraint upon any tendency toward oligarchy which the gentry might have entertained. The small farmers were in the majority and they had the right to vote. The percentage of white males who voted in the 18th Century elections was quite high. True, the colonial voters elected only the burgesses, but that single choice was an important guarantee of their rights, since the House of Burgesses was the strongest political body in Virginia. Thomas Jefferson once remarked that the election process itself tended to eliminate class conflicts and extremism: the planter aristocrat with no concern for the small farmer was not apt to be elected, and the man who demagogically courted the popular vote was ostracized by the gentry. Therefore, the House of Burgesses became, at the same time, the center of planter rule and of popular government.[6]

The constitutional philosophy of the House of Burgesses proclaimed in response to the Grenville revenue program in 1764 was not new. When Patrick Henry electrified the burgesses with his Stamp Act Resolves in May 1765, he was not setting forth a new concept of government, he was reaffirming, in a most dramatic form, constitutional positions the burgesses themselves well understood. The burgesses had developed their constitutional positions during the 1750's in response to a series of minor, isolated events—royal disallowance, the Pistole Fee Controversy, and the Two-Penny Act.

After trying for years to codify and reform laws long in use, the General Assembly in 1748 completed a general revision of the laws. Included in these revisions were several laws already in force and approved by the crown. The assembly did not include a suspending clause with these acts, (holding up their implementation until the crown had an opportunity to approve them). While a suspending clause was supposed to be attached, the assembly had not done so regularly for years and the governors had not challenged them, nor had the crown complained. In 1752, however, the crown disallowed half-a-dozen laws, claiming the assembly had intruded upon the king's rights and ignored the governor's instructions. Angered, the assembly protested this "new" behavior by the crown and asserted they could not remember when the king had vetoed laws which were of no consequence to the crown, nor contrary to parliamentary law, but which were of importance to Virginia. It was the beginning of a long struggle.

In 1752 there also occurred a second and more decisive dispute—the Pistole Fee Controversy. One of the frequently overlooked events in Virginia, this debate between the royal governor and the House of Burgesses brought forth the classic constitutional defense by the house of its right, and its right alone, to tax Virginians. The burgesses' powers, as proclaimed by Richard Bland, became the fundamental argument by Virginians against royal encroachment upon what they believed were their rights.

Shortly after his arrival in Virginia Governor Robert Dinwiddie announced his intention to charge one pistole (a Spanish coin worth about

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[6] For a short well-written discussion of the election process see Charles S. Sydnor, **Gentlemen Freeholders: Political Practices in Washington's Virginia** (University of North Carolina Press: Chapel Hill, North Carolina, 1952), reprinted in paperback as **Revolutionaries in the Making: Political Practices in Washington's Virginia.**

$3.50) for applying the governor's seal to all land grants. The council, believing this was a routine fee for a service rendered, concurred. The storm of protest which followed amazed Dinwiddie. The burgesses accused Dinwiddie of usurping a right not his in order to line his pockets. This was not a fee, it was a tax, and only the burgesses could initiate a tax on Virginians. Dinwiddie denied that the fee was solely for his personal remuneration. Instead, he maintained his aim was to return to the tax rolls millions of acres of land withheld by Virginians in order to prevent collection of the annual quit-rent on the land which every Virginia landowner paid the crown. In the heated debates which followed, both parties built their cases around the rights and privileges each claimed was its own. The ultimate outcome, which resulted in a compromise by the crown, satisfactory to both Dinwiddie and the burgesses, is not as important as the constitutional argument put forth by the burgesses.

The house resolutions included ringing phrases which would become familiar in the 1760's:

> The Rights of the Subject are so secured by Law, that they cannot be deprived of the least Part of their Property, but by their own Consent; Upon this excellent Principle is our Constitution founded. . . .
> That the said Demand is illegal and arbitrary, contrary to the Charters of this Colony, to his Majesty's and his Royal Predecessor's Instructions to the several Governors, and the Express Order of his Majesty King William of Glorious Memory . . . .
> That whoever shall hereafter pay a Pistole . . . shall be deemed a betrayer of the Rights and Privileges of the People.[7]

The author of these resolves was Richard Bland, a tough-minded burgess from Prince George County, descendant of one of the colony's oldest families. One of the earliest graduates of the College of William and Mary to achieve a major position in the burgesses, he was one of the most widely read. He held four beliefs common to the revolutionary generations, beliefs he translated into major works during the Pistole Fee Controversy, the Parsons' Cause, the Stamp Act, and the later revenue crises:

> the eternal validity of the natural-law doctrines most cogently stated by John Locke;
> the superiority over all other forms of government of the English Constitution, of which an uncorrupted model or extension was the peculiar property of the Virginians;
> the like superiority of those unique rights and liberties which were the heritage of the free-born Englishman; and
> the conviction that the good state rests on the devotion of men of virtue, wisdom, integrity, and justice.[8]

In addition to the house resolutions, Bland wrote a closely reasoned essay attacking the Pistole Fee, **A Modest and True State of the Case** (1753). Only a portion survives and is known as **A Fragment Against the Pistole Fee.** His underlying principle, one which the British ignored and Virginians never forget, is cogently set forth.

> The Rights of the Subjects are so secured by Law that they cannot be deprived of the least part of their property without their own consent. Upon this Principle of Law, the Liberty and Property of every Person who has the felicity to live under a British Government

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[7] **Journal of House of Burgesses, 1752-1758,** 143, 154-155.

[8] Clinton Rossiter, **Six Characters in Search of a Republic** (Harcourt, Brace and World: New York, 1964), chap. 5, "Richard Bland, the Whig in America," 184.

> is founded. The question then ought not to be the smallness of the demand but the Lawfulness of it. For if it is against Law, the same Power which imposes one Pistole may impose a Hundred . . . . LIBERTY & PROPERTY are like those precious Vessels whose soundness is destroyed by the least flaw and whose use is lost by the smallest hole.

Virginians never deviated from this view.

In 1818 John Adams, when asked what was the Revolution, replied, "the Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people . . . This radical change in the principles, sentiments, and affections of the people, was the real American Revolution." In Virginia, the Revolution began in the minds and hearts of the House of Burgesses with the Pistole Fee. Its author was Richard Bland.

The third event was the Parsons' Cause. This event reached the people, and in it the people found a spokesman—Patrick Henry. The Parsons' Cause was an outgrowth of the Two-Penny Acts. Nearly all Virginia salaries and most taxes were paid in tobacco, rather than specie (hard money). Many officials, including the clergy, had their salaries set by acts of the assembly at a specified number of pounds of tobacco per year. In the case of the clergy this was a minimum of 16,000 lbs. per year. In the 1750's a series of droughts and other natural disasters brought crop shortages in some areas, driving tobacco prices well beyond normal levels. In 1753 and again in 1755 the assembly allowed taxpayers to pay taxes in either tobacco or specie at the rate of two pennies per pound of tobacco owed. On one hand this seemed eminently fair. The crop shortages worked a double penalty on the planter—he had little tobacco because of the weather, but he was forced to pay his taxes in valuable tobacco he did not have. On the other hand, the clergy and others protested they received no relief when tobacco was in oversupply and the price was low. More importantly, they had a contract which had been enacted into law and approved by the king. No assembly could repeal a law approved by the king without his approval. In 1753 and 1755 the issue faded away.

Then in 1758 the assembly passed another Two-Penny Act, applying throughout the colony and to all officials and even to private debts. Governor Francis Fauquier, although knowing that he could not put such a law into effect until the king had given his approval, decided he would do the politically expedient thing and signed the bill.

Fauquier reckoned without the tenacity of the clergy led by the Rev. John Camm, a William and Mary college professor and parish pastor. Camm, whom Fauquier called "a Man of Abilities but a Turbulent Man who Delights to live in a Flame," later became President of the college, rector of Bruton Parish Church, and a member of the council.

In 1759 he was determined to receive what he believed was his guaranteed salary. Camm believed the law unconstitutional on two grounds: the assembly had passed a law repealing one already approved by the king, and Fauquier had permitted the law to go into effect without the suspending clause period taking place. At the behest of many Anglican clergy, Camm went to England. Presenting the parsons' case to the Bishop of London, who in turn forwarded the case to the Privy Council, Camm succeeded. The king declared the law unconstitutional.

Virginians were outraged. Unlike the Pistole Fee, which touched most directly the larger planters and the burgesses, the Parsons' Cause enflamed the entire populace. Camm and a number of clergymen sued in county courts for back salary. They received little satisfaction. Several county courts went so far as to declare the Two-Penny Act legal despite the king's disallowance.

Hanover County Court took a different tack. There the Rev. James Maury, Jefferson's field school teacher and hard-pressed father of 11 children, sued the vestry of Fredericksville Parish for his salary. The county court upheld his right to sue for claims and called for a jury trial to set the damages. Ironically, one of the clergymen who would benefit from a favorable verdict for Maury was the Rev. Patrick Henry. Presiding over the county court on December 1, 1763, was his brother, John Henry. Defending the parish vestry was his nephew and namesake, and the son of the justice, Patrick Henry. Hanover County was a center of Presbyterianism and in the jury box undoubtedly sat men who already had a dislike for Anglican clergymen whose salaries they were compelled to pay but whose churches they did not attend.

Young Patrick Henry, in his first prominent trial, launched immediately into a scathing attack on the established clergy, calling them "rapacious harpies," men who would "snatch from the hearth of their honest parishioners his last hoe-cake, from the widow and her orphan children their last milch cow; the last bed, nay, the last blanket from the lyin-in woman." Having stunned his audience into silence, Henry turned his invective upon the king. Although the constitutionality of the law was not an issue, because the county court had already decided it was constitutional, Henry proceeded to excoriate the king himself for violating the English constitution. His biographer, Robert Meade, notes:

> Henry insisted on the relationship and reciprocal duties of the King and his subjects. Advancing the doctrine of John Locke as popularized by Richard Bland and other colonial leaders, he contended that government is a conditional compact, composed of mutually dependent agreements 'of which the violation by one party discharged the other.' He bravely argued that the disregard of the pressing wants of the colony was 'an instance of royal misrule,' which had thus far dissolved the political compact, and left the people at liberty to consult their own safety.[9]

The jury retired, and then returned with its verdict—one penny damages for Parson Maury. Henry had lost the legal case, he had won the battle for their minds and hearts.

Out of the Parsons' Cause in 1763 came four important developments: the Anglican clergy suffered an irreparable setback and loss of status; the House of Burgesses now closely scrutinized the instructions from king to governor; the suspending clause was seen as a direct challenge to colonial legislative rights; and Patrick Henry burst forth as the popular spokesman for Virginia rights, winning a seat in the 1765 election to the House of Burgesses. In 1763 few people were willing to accept his premise that the king had been guilty of "royal misrule." In a dozen years they would.

Thus, by 1763 the fundamental political principles which would bring Virginia to independence already had been proclaimed. They were not developed in response to British actions, but Virginia experiences. They awaited only the specific challenges before they would be transformed into inalienable rights. Within a few months those challenges tumbled forth from Britain.

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[9] Robert D. Meade, **Patrick Henry, Patriot in the Making** (Lippincott: Philadelphia, 1957), 132.

Part II:

The Road to Revolution, 1763-1775

The Grenville Program, 1763-1765

In April 1763 George III had to abandon his chief minister and confidant, the hated Lord Bute, and turn the government over to George Grenville, leader of the largest Whig block in parliament and brother-in-law of William Pitt. Grenville's strengths were his knowledge of trade and public finance, a penchant for hard work and administrative detail, a systematic mind, and, in an era of corruption, integrity. His weaknesses were a cold personality and a limited conception of broad political and constitutional issues. It was said that Grenville lost the American colonies because he read the dispatches from America and was well acquainted with the growing economic maturation and apparent ability of the colonies to bear heavier taxes. George III, who disliked Grenville immensely, the more so because he had been forced to accept the Whigs, described him as a man "whose opinions are seldom formed from any other motives than such as may be expected to originate in the mind of a clerk in a counting house." An astute observer might have told George that with the national debt at £146,000,000 and rising, a man with the logical mind of a counting clerk might be the answer. Still it was this logical mind which was Grenville's undoing. As British historian Ian Christie notes, "all the various provisions of the years 1763 to 1765 made up a logical, interlocking system. Its one fatal flaw was that it lacked the essential basis of colonial consent."[10]

"For imposing taxes on us without our concent. . . ."

Three overriding colonial problems faced Grenville: a new governmental policy for the former French and Spanish North American territories; a means to defend these territories from the avowed intentions of the French and Spanish to reestablish control; and a means to pay the costs of imperial government and defense.

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[10] Ian R. Christie, **Crisis of Empire, Great Britain and the American Colonies, 1754-1783** (Norton: New York, 1966), 54. The King's comment on Grenville is cited on p. 39.

Western Lands and Defense

There was an immediate need for English government in the former English and French lands. In October 1763 the Board of Trade proposed, and the king in council established, a temporary program for western lands. Under the Proclamation of 1763 a governor-general would run Quebec (an attempt to get the French colonists to use an elected assembly failed), the French were confirmed in their land grants, and the Roman Catholic Church was retained. East and West Florida became separate colonies. In the disputed lands beyond the Appalachians into which English settlers had moved as soon as General Forbes occupied Fort Duquesne in 1758 and where the Indians under Chief Pontiac were in rebellion against these incursions, no English settlers were allowed until permanent treaties could be worked out with tribes owning the lands.

The Grenville ministry had several aims for its western lands policy. The Proclamation of 1763 would separate the Indians and whites while preventing costly frontier wars. Once contained east of the mountains, the colonials would redirect their natural expansionist tendencies southward into the Carolinas, Georgia, and Florida, and northward into Nova Scotia. Strong English colonies in former Spanish and French territories would be powerful deterrents to future colonial wars. There is no indication Grenville believed the Americans would be more easily governed if contained east of the mountains. His prime aim was orderly, controlled, peaceful, and inexpensive growth.

The Proclamation of 1763 hurt Virginia land speculators more than individual colonists. For the Ohio Land Company whose stockholders were mostly Northern Neck and Maryland gentry, including the Washingtons and Lees, it was a crushing blow to their hopes for regaining the Forks of the Ohio and lands on the southern bank of the Ohio granted to them by the crown in 1749. The rival Loyal Land Company led by Speaker Robinson, Attorney-General Randolph, and the Nelsons, lost their claims to the Greenbrier region, but with less invested, they had less to lose. Also dashed were the hopes of many French and Indian War veterans who had been paid in western land warrants for their service. Many veterans ignored the proclamation, went over the mountains, squatted on the lands, and stayed there with the concurrence of amiable Governor Fauquier. Most Virginians were little injured by the order for they fit into Grenville's plan for colonial growth. The general flow of Virginia migration after 1740 was southward along the Piedmont into the Carolinas or southwestward through the Valley of Virginia, not north and northwest to the Forks of the Ohio. In 1768 and 1770 by the treaties of Fort Stanwix (N.Y.) and Fort Lochaber (S.C.) the Six Nations and Cherokee Indians gave up their claims to the Kentucky country as far west as the Tennessee River. The Virginian occupation, led by John Donelson and Daniel Boone, quickly moved in through the Cumberland Gap. Not until the Quebec Act of 1774 thwarted their claims to land norh of the Ohio did Virginians react strongly against British land policy.

To defend the new territories and maintain the old, Grenville proposed retaining 10,000 British troops in America, stationing them mainly in Halifax, Boston, New York, Philadelphia, and the West Indies from which they could be moved to trouble spots as needed. The British had learned from the unpredictable response by the colonies during the French and Indian War and the nearly disastrous Pontiac Rebellion in early 1763 that the colonies would not, or could not, provide cooperatively for their own defense even in the face of clear danger. There were too many inter-colonial rivalries and there was stubborn adherence to the English tradition that local militia was not to serve outside its own jurisdiction or for long periods of time. Moreover, the western lands were primarily an imperial responsibility. Thus, the decision was made to station British troops in America.[11]

In April 1765 parliament passed the Quartering Act, similar to one in England, requiring colonies, if requested, to provide quarters in barracks, taverns, inns, or empty private buildings. Although the act did not apply directly to them, Virginians sided with the hard-hit New Yorkers who bitterly denounced it as another form of taxation without representation. So strong was the reaction in New York that her assembly virtually shut down rather than acquiesce. Finally the New Yorkers gave in, making the Quartering Act to New York what the Stamp Act was to Virginia, a symbol of "oppression and slavery." What parliament could do to one colony she could do to all.

A New Revenue Program

At the heart of the Grenville program were his financial schemes. The program had three parts: 1) to strengthen and enforce existing Acts of Trade; 2) to ease inflation and stabilize colonial trade with a uniform currency act; and 3) to raise additional revenue by applying stamp taxes to the colonies. Even then Grenville expected to raise only about one-half the expenses the new empire required. The rest would have to come from British sources.

To close the loopholes in the Navigation Acts and make them profitable, Grenville submitted the American Revenue Act of 1764, popularly known as the Sugar Act. Although the sugar trade provisions were the most dramatic example of a redirection in the Navigation Acts, the American Revenue Act contained radical departures from past attitudes and practices. Heavy duties were applied to foreign goods allowed to enter the colonies directly, including white sugar, Madeira wine, and coffee. Many goods formerly allowed to enter the colonies directly were placed on the list of enumerated articles which must pass through England before being shipped to the colonies. The act, although slightly reducing the duty on French West Indian foreign molasses, contained strict provisions for its collection omitted from the laxly enforced Molasses Act of 1733. The British fleet was stationed along the American coast to assist the customs service in enforcing the act.

Parliament created a new vice-admiralty court to sit at Halifax without a jury as an alternative to the colonial vice-admiralty courts whose juries were notoriously biased against the customs officers and whose judges often were colonials engaged in illicit trade.

In the Sugar Act, Grenville and parliament took the existing Navigation Acts and reasserted parliamentary authority over imperial trade, reaffirmed the 17th Century colonial philosophy that the colonies existed to promote the welfare of the mother country and the empire, granted trade monopolies to British merchants and manufacturers where none existed before, and discriminated in favor of one set of colonies, the British West indies, and against another set, the North American colonies. To this was added a new principle—the Navigation Acts should not only regulate trade, they should produce revenue. Cleverly designed within the constitutional system, the Sugar Act brought howls of protests from New England and Middle Colony traders, smugglers and legitimate operators alike, who had flourished under the benevolence of "salutary neglect" for the past half-century. For many Americans the new act with its favoritism to British and West Indian merchants, its use of the navy as law enforcer, and the founding of a vice-admiralty court in Nova Scotia with jurisdiction over all America was an abuse of parliament's power. As events developed the Sugar Act was a failure. The old act designed for regulatory purposes, cost approximately three times as much to enforce as the revenues collected; the new act, expected to produce annual revenues of about £100,000, averaged about £20,000 in revenues at an annual cost of over £200,000.

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[11] There are those who suggest the troops were sent to America on a pretext. The ministry, knowing it could not reduce the army to peacetime size in face of French threats, also knew there was strong English resentment against "a standing army" in England. The colonial condition offered an excuse for retaining the men in arms. See Bernhard Knollenberg, **Origin of the American Revolution** (New York, 1960), ch(s). 5-9.

The Currency Act of 1764

Virginians, only indirectly effected by the Sugar Act, were deeply effected by the second part of the Grenville program—the Currency Act of 1764. During the French and Indian War Virginia had printed several paper money issues to finance the war and provide currency in the specie-short colony. The various issues, eventually totaling over £500,000, circulated for a fixed number of years and then were to be redeemed upon presentation to the treasurer, Speaker John Robinson. As the war lengthened and the number of paper money issues increased, considerable confusion developed over the amount of money outstanding, the rate of exchange, and its use as legal tender for personal debts as well as public taxes. Although backed by the "good will" of the General Assembly, this money (called "current money") was discounted when used to pay debts contracted in pounds sterling. Although the official exchange rate set by the assembly was £125, Virginia current money equalled £130-£165 per £100 sterling, averaging £155-£160 in 1763 and early 1764. The citizens were compelled by law to accept inflated Virginia paper currency as legal tender for debts which they had contracted in pounds sterling. The fiscal problems were most critical in Virginia, but they also existed in most colonies outside New England whose colonies parliament restricted under a currency act in 1751. In response to pleas from London merchants, Grenville devised and parliament passed the Currency Act of 1764, prohibiting the issuing of any more paper money and commanding all money in circulation to be called in and redeemed.

The result in Virginia was sheer consternation, especially among the hard-pressed Tidewater planters. In the process of calling in the money a severe currency shortage developed and some financial hardship occurred at the same time the Stamp Act took effect. More significant than the economic impact was the political impact of the Currency Act on Virginia politics and the political fortunes of key Virginians. Among the many Virginians caught up in the Currency Act none was more involved than Speaker John Robinson. At his death in May 1766 an audit revealed massive shortages in his treasurer's account books resulting from heavy loans to many Tidewater gentry and political associates. The Robinson scandal brought about a redistribution of political leadership in Virginia and brought into the leadership circle the Northern Neck and Piedmont planters who formerly were excluded.[12]

The third facet of the Grenville revenue plan was the infamous Stamp Act. Grenville and his aides perceived the tax bill as a routine piece of legislation which would extend to the colonies a tax long used in Britain. Grenville announced in March 1764 the ministry's intention to present to the commons a stamp tax bill at the February 1765 session of parliament. He "hoped that the power and sovereignty of parliament, over every part of the British dominions, for the purpose of raising or collecting any tax, would not be disputed. That if there was a single man doubted it, he would take the sense of the House, ..."As another observer put it, "Mr. Grenville strongly urg'd not only the power but the right of parliament to tax the colonys' and hop'd in Gods Name as his Expression was that none would dare dispute their Sovereignty."[13] The House of Commons, as quick as the Virginia House of Burgesses to proclaim its sovereignty rose to Grenville's bait and declared in a resolution of March 17, 1764 that "toward defending, protecting, and securing the British colonies and Plantations in America, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations. . . ." In that simple phrase parliament declared its full sovereignty over the colonies and from it never retreated.

Virginia and the Stamp Act, 1764

That Grenville might have hoped that the "power and sovereignty of Parliament . . . would not be disputed" suggests the degree to which he did not comprehend 18th Century colonial constitutional developments. Virginia reaction was immediate, clear, unequivocal, and illustrative of just how deeply ingrained were Virginia's constitutional positions about the limits of parliamentary authority. In 1759 the General Assembly had elected a joint committee to correspond regularly with its London agent and to instruct him on matters of policy and legislation pending in England. This committee was meeting on July 28, 1764, in Williamsburg drafting instructions to agent Edward Montagu on the Sugar Act when word arrived from Montagu about the commons resolution. The Committee of Correspondence's reply was instantaneous:

> That no subjects of the King of great Britain can be justly made **subservient** to Laws without either their personal Consent, or their Consent by their representatives we take to be the most vital Principle of the British Constitution; it cannot be denyed that the Parliament has from Time to Time . . . made such Laws as were thought sufficient to restrain such Trade to what was judg'd its proper Channel, neither can it be denied that, the Parliament, out the same **Plentitude of its Power,** has gone a little Step farther and imposed

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[12] For a favorable and convincing view of Virginia's motives in passing the paper money bills, see Joseph Ernst, "Genesis of the Currancy Act of 1764, Virginia Paper Money and the Protection of British Investments," **William and Mary Quarterly,** 3rd ser., XXII, 3-32, and "The Robinson Scandal Redivius." **Virginia Magazine of History and Biography,** LXXVII, 146-173. Ernst is critical of Robinson's political use of the funds. For a more charitable view of Robinson's actions, see the outstanding biography by David Mays, **Edmund Pendleton 1721-1803** (Harvard University Press: Cambridge, Mass., 1952), 2 vols. Pendleton was the executor of the Robinson estate.

[13] Both quotes cited in Edmund and Helen Morgan, **The Stamp Act Crisis** (Collier Books: New York, 1962), 76. This is the standard work on the Stamp Act.

> some Duties upon our Exports. . . .
> P.S. Since writing the foregoing Part . . . we have received your (letter of the parliam't's Intention to lay an Inland Duty upon us gives us fresh Apprehension of the fatal Consequences that may arise to Posterity from such a precedent. . . . We conceive that no Man or Body of Men, however invested with power, have a Right to do anything that is contrary to Reason and Justice, or that can tend to the Destruction of the Constitution.[14]

Navigation Acts were acceptable, Stamp Acts were a "Destruction of the Constitution."

In May Grenville met with the colonial agents in London and possibly suggested (his intent has been disputed) that a stamp tax might not be imposed if the colonial legislatures came up with alternative taxes. At least Montagu thought this is what Grenville suggested. The Virginia committee even told Montagu in its July letter, "if a reasonable apportionm't be laid before the Legislature of this Country, their past Compliance with his Majesty's several Requisitions during the late expensive War, leaves no room to doubt that they will do everyhing that can be reasonably expected of them." It made no difference, for even before the agents could receive replies from their various colonies, Grenville had fixed upon the stamp act itself. This was probably just as well for the Virginians, once they reflected on the requisition scheme, came to believe that taxes imposed by the General Assembly to offset a threatened tax by parliament were as unpalatable and unconstitutional as a tax passed by parliament.

On December 18, 1765, the Virginia General Assembly confirmed the constitutional stance taken by its committee in July. Unanimously the House of Burgesses and the council sent a polite address to the king, an humble memorial to the House of Lords, and a firm remonstrance to the commons. The commons' resolution of March 17 was against "British Liberty that Laws imposing Taxes on the People ought not be made without the Consent of Representatives chosen by themselves; who at the same time that they are acquainted with the Circumstances of their Constituents, sustain a Proportion of the Burthen laid upon them."[15] From this position, Virginia never retreated.

By the time parliament took up the Stamp Act in February 1765, the die was already cast. Members of parliament were outraged by the presumptuous claims of the colonial assemblies to sovereignty co-equal with itself. Only a few members questioned the wisdom of the act. Issac Barré won fame as a patriot member of parliament for his eloquent defense of the colonies as he called on the Commons to "remember I this Day told you so, that same Spirit of Freedom which actuated that people at first, will accompany them still." Yet even Barré would not deny parliament's right to pass the tax. The House of Commons refused even to receive the petitions from the colonial legislatures and passed the act into law on March 22, 1765.

Covering over 25 pages in the statute book, the Stamp Act imposed a tax on documents and paper products ranging from nearly all court documents, shipping papers, and mortgages, deeds, and land patents to cards, dice, almanacs, and newspapers, including the advertisements in them. Charges ranged from 3d to 10s, with a few as high as £10, all to be paid in specie. Virtually no free man in Virginia was left untouched by the tax. Edmund Pendleton, upon hearing of its passage, lamented "Poor America."

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[14] **Virginia Magazine of History and Biography,** XII, 10, 13. Comprising the committee were Councilors John Blair, William Nelson, Thomas Nelson, Jr., Robert Carter, and Burgesses Peyton Randolph, George Wythe, Robert Carter Nicholas, and Dudley Digges.

[15] William Van Schreeven and Robert Scribner, **Revolutionary Virginia: The Road to Independence, Vol. I., Documentary Record** (University Press of Virginia: Charlottesville, Virginia, 1973), 9-14. This volume contains the main revolutionary statements of the assembly, conventions, and certain county and quasi-legal local gatherings, 1763-1774.

The law was to become effective on November 1, 1765.

The Stamp Act Resolves, May 1765

That the May 1765 session of the Virginia General Assembly became one of the most famous in the state's history was totally unanticipated by all political experts. The only reason Governor Fauquier called the session was to amend the frequently revised tobacco planting and inspection law. The Stamp Act already had been taken care of by the remonstrance in December. A new issue did develop when Governor Fauquier announced that all outstanding Virginia paper currency must be redeemed by March 1st, after which it no longer would be legal tender. As the money poured into the treasurer's office, it rapidly became apparent what Richard Henry Lee had suspected as early as 1763 and what many debt-ridden Tidewater planter-burgesses personally knew—Robinson was tens of thousands of pounds short in his accounts. The shortage, which turned out to be £106,000, derived from the speaker-treasurer's habit of lending his fellow planters tax funds to pay private debts to British merchants. The speaker, whom Jefferson called "an excellent man, liberal, friendly, and rich," had anticipated improvement in the economic climate would bring the money in. Meanwhile he could always rely on his own great private fortune. He failed to count on the continued economic depression, the passage of the Currency Act, or the living standards of his debtors. Something had to be done and quickly.

While the tobacco revision was working its way through committees, the speaker and his debtor-burgess friends devised a public loan office plan to take up the debts, provide an alternative source for funds, and relieve Robinson of his burden. Such a plan would have raised the ire of Richard Henry Lee, but the burgess from Westmoreland was sitting out this supposedly "short, uneventful meeting." He had made a monumental error in political judgment, having applied to the crown to be the Stamp Act agent in Virginia. Robinson knew this and quietly warned Lee that he should stay home. Robinson did not anticipate the unlikely duo which would bring down the public loan office. Leading the opposition in the House was Patrick Henry, first-term burgess from Louisa County. Directing his attack against favoritism and special interest legislation, Henry, who had developed a thriving legal trade representing creditors against debtors, knew whereof he spoke when he exclaimed, "What, sir, is it proposed then to reclaim the spendthrift from his dissipation and extravagance, by filling his pockets with money?" Robinson had the votes and carried the house, but lost in the council whose members disliked all public finance schemes. Chief opponent was Richard Corbin, wealthy, receiver-general of royal revenues and later Tory. In words nearly identical to Henry's, Corbin noted, "To Tax People that are not in Debt to lend to those that are is highly unjust, it is in Fact to tax the honest, frugal, industrious Man, in order to encourage the idle, the profligate, the Extravagant, and the Gamester." Council defeated the loan plan. With the tobacco laws revised and the loan scheme defeated and only routine legislation in committee, most burgesses left town.

Exactly when or why Patrick Henry, George Johnston of Fairfax, and John Fleming of Cumberland decided to offer the Stamp Act Resolves is lost in obscurity. Our sources are principally Thomas Jefferson, then a college student at William and Mary, Paul Carrington, a pro-Henry burgess from Charlotte County, and an unknown French traveler who stood with Jefferson at the house chamber doors. Jefferson and Carrington did not record their thoughts until a half-century later, during which the sequence of events became blurred by time. The Frenchman, who stood with Jefferson at the house chamber doors, missed the subtleties of the language and parliamentary procedure. One thing is clear—men who heard Patrick Henry never forgot the impression he made on them.

Governor Fauquier suggested that many burgesses were not satisfied with the remonstrance against the Stamp Act in December. Although he described the remonstrance as "very warm and indecent, he told the Board of Trade the original version was much more inflammatory and its language was "mollified" so that the Assembly could convey its opposition to the Stamp Tax without giving the "least offense" to crown and parliament. Fauquier also observed that economic uncertainties had made Virginians "uneasy, peevish, and ready to murmur at every Occurrence." Henry suggests that he drew up the Resolves when he found no one else was willing to do so after hearing of the actual passage of the Tax Act. Whatever the reason, Henry and his associates were ready to abandon the niceties of formal address and constitutional subtleties and to give "offense", especially in view of parliament's refusal to hear the remonstrance.

Only 39 of the 119 elected burgesses were sitting on May 29, 1765 when Patrick Henry introduced and George Johnston seconded seven resolutions for consideration by the house. The first five stated:

> Resolved, That the first Adventurers and Settlers of this his Majesty's Colony and Dominion brought with them and transmitted to their Posterity and all other his Majesty's Subjects since inhabiting in this his Majesty's said Colony, all the Privileges, Franchises and Immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.
>
> Resolved, That by two royal Charters granted by King James first the Colonists aforesaid are declared intituled to all the Privileges, Liberties, and Immunities of Denizens and natural-born Subjects, to all Intents and Purposes as if they had been abiding and born within the Realm of England.
>
> Resolved, That the Taxation of the People by themselves or by Persons chosen by themselves to represent them, who can only know what Taxes the People are able to bear, and the easiest Mode of raising them, and are equally affected by such Taxes Themselves, is the distinguishing Characteristic of British Freedom and without which the ancient Constitution cannot subsist.
>
> Resolved, That his Majesty's liege People of this most ancient Colony have uninterruptedly enjoyed the Right of being thus governed by their own assembly in the article of the Taxes and internal Police, and that the same hath never been forfeited or any other way given up but hath been constantly recognized by the Kings and People of Great Britian.
>
> Resolved, Therefore that the General Assembly of this Colony have the **only and sole exclusive** Right and Power to lay Taxes and

> Impositions upon the Inhabitants of this Colony and that every Attempt to vest such Power in any Person or Persons whatsoever, other than the General Assembly aforesaid, has a manifest Tendency to destroy British as well as American Freedom.

There were two other resolves which apparently were defeated during debate while the house was in committee. The record is not clear. In one sense it makes no difference. All seven were printed and circulated in the other colonies and in London as if they were the official actions of the Virginia House of Burgesses. They read:

> Whereas, the honorable house of Commons in England have of late drawn into question how far the general assembly of this colony hath power to enact laws for laying of taxes and imposing duties, payable by the people of this, his majesty's most ancient colony: for settling and ascertaining the same to all future times, the house of burgesses of this present general assembly have come to the following resolves:
> Resolved, That his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the general assembly aforesaid,
> Resolved, That any person who shall, by speaking or writing, assert or maintain that any person or persons, other than the general assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to his majesty's colony.[16]

The first four resolves were straightforward restatements of the remonstrance and Bland's earlier declarations against parliamentary authority. The fifth went beyond control over taxes to exclude all duties, even navigation duties for regulatory purposes. The sixth and seventh were "pure Patrick Henry," reminiscent of his statements before the Hanover jury in the Parsons' Cause, probably treasonous, certainly incendiary and revolutionary.

Discussion lasted all through the 29th with the opposition led by Richard Bland, George Wythe, Peyton Randolph, Speaker Robinson, and Benjamin Harrison contending that the time was inappropriate for more resolutions. Both house and council were already on record against the Stamp Act which no Virginian wanted. More resolutions were unnecessary, especially resolutions which were as inflammatory as these. Sometime during these debates the sixth and seventh resolves were eliminated. Probably the next day, May 30th, the first four resolves passed by votes of 22-17 with little real objection to the substance only to the wisdom of more resolutions.

The fifth resolution was another story. The stumbling block was the phrase "only and sole exclusive Right and Power to lay Taxes." Jefferson called the debate "most bloody." Henry, in his will, called them "violent Debates. Many threats were uttered, and much abuse cast on me. . . ." Some time during the debates, observers agree, Henry exclaimed the theme of his immortal phrase:

> Tarquin and Caesar had each his Brutus, Charles the First his Cromwell, and George the Third—'Treason' proclaimed Speaker Robinson—may profit by their Example. If this be Treason, Make the most of it.

His speech may have been embellished by time. There can be no denying, however, what Jefferson 40 years later remembered. "Torrents of

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[16] Ibid., 15-18; resolves 6 and 7 are cited in Meade, *Patrick Henry, Patriot in the Making*, I, 171.

sublime eloquence from Mr. Henry, backed by the solid reasoning of Johnson, prevailed."

The fifth measure carried by one vote, 20-19, causing Peyton Randolph to mutter as he pushed through the door past Jefferson, "by God, I would have given 500 guineas for a single vote."[17]

How had these two men, Henry and Johnston brought it off. One was 29, the other 65; one was a first-time burgess, the other a veteran member. (Henry was not as unknown as popular myth would have it. He had been in Williamsburg during the debates over the remonstrance and had represented a client in an election fraud case before the house.) First, they had benefited from the departure of two-thirds of the burgesses; second, there was the frustration over parliament's outright refusal to even read the remonstrance; third, there was the formation, probably by Johnston, of a coalition of the younger generation of planter-gentry living in the Piedmont, the ambitious backcountry burgesses, and the Northern Neck faction led by Francis Lighfoot Lee of Loudoun and Thomas Ludwell Lee of Stafford; fourth, there was Henry himself, of whom Jefferson at a time when he had come to dislike Henry, still could say "he was the best humoured man in society I almost ever knew, and the greatest orator that ever lived. He had a consumate knowledge of the human heart, which directing the efforts of his eloquence enabled him to attain a degree of popularity with the people at large never perhaps equalled."[18]

With the five resolves passed, Henry departed Williamsburg. Enough Tidewater votes were coralled by Robinson and Councilor Peter Randolph the following day, the 31st, to rescind and expunge from the record the fifth resolve. Much to the chagrin of Fauquier, no attempt was made to remove the first four.

As with the sixth and seventh resolves, this last-ditch effort made no difference. The public printer, conservative Joseph Royle of the **Virginia Gazette,** refused to publish the resolves at all. What went into print outside the colonies were the four true resolves, plus the three spurious ones, often made more radical in tone as they were reprinted. The effect was electric. If this was the expression of the Virginia House of Burgesses, long thought to be the most reasoned in its approach to constitutional issues, then a new day had arrived. No wonder patriots in Philadelphia, Newport, New York, and Boston shouted with joy when they read them and responded with equally vigorous statements, although all stopped short of the direct words of the sixth and seventh resolves. Massachusetts, which for once had lagged behind, called for a Stamp Act Congress to meet in New York in October. Virginia did not attend, for Governor Fauquier would not call the assembly into session to elect representatives. Virginians did not need to be there. Everyone knew where they stood. The Stamp Act Congress quickly picked up the spirit, although not the strident language of the Henry Resolves, and declared all taxes, internal and external, should be repealed.

Too much should not be made of the division between the Henry-

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[17] A guinea equalled 21 shillings or £525 Later Jefferson said 100 guineas. Jefferson's comments are found in Stan. V. Henkels, "Jefferson's Recollections of Patrick Henry," **Pennsylvania Magazine of History and Biography,** XXXIV, 385-418.

[18] The record is sparse because no recorded votes were kept; so the only known votes in favor of the Resolves were: Henry of Louisa, Johnston of Fairfax, John Fleming of Cumberland, Henry Blagrave and William Taylor of Lunenburg, Robert Munford and Edmund Taylor of Mecklenburg, and Paul Carrington and Thomas Reade of Charlotte. As the twists of fate would have it, all these counties except Fairfax were named for the Hanoverians. It is almost certain the Lee brothers voted "yes".

Johnston forces and the Robinson-Randolph-Bland-Wythe group. The division was not one of concern about the goal, but rather the means to be used to reach the unanimously agreed-upon goal—how to retain rights Virginians believed were theirs and which they thought they were about to lose. What Henry had done was to imbue "with all the fire of his passion the protest which the House of Burgesses had made in 1764 in rather tame phraseology. In neither case was there a difference of principle; in both, all the difference in the world in power and effect."[19]

The effect was permanent. Said Jefferson, "By these resolutions Mr. Henry took the lead out of the hands of those (who) had heretofore guided the proceedings of the House, that is to say, of Pendleton, Wythe, Bland, Randolph, Nicholas. These were honest and able men, who had begun the opposition on the same grounds, but with a moderation more adapted to their age and experience. Subsequent events favored the bolder spirits of Henry, the Lees, Pages, Mason etc." And as soon as he could join them, Jefferson.

The Stamp Act Crisis: 1765-1766

The Stamp Act brought violence, rioting, and destruction in several colonies. Virginia met the act with rigid non-compliance, reasoned arguments, "friendly persuasion," non-importation of British goods, and finally, nullification of the act altogether. Virginians of all ranks united against the Stamp Act as they were not to unite against any British action thereafter. No one defended the act. Virginians were aided by the complicity and courage of soft-spoken Governor Francis Fauquier.

Enforcing the Stamp Act depended upon having a law to enforce, a commissioner to administer it, and stamps to attach to the documents. Colonel George Mercer, prominent planter who had won the commissioner's post from Richard Henry Lee, arrived in Williamsburg from London on October 30, 1765. The law was to take effect on November 1. As Mercer's ill-luck would have it, the Virginia General Court was in session and hundreds of citizens were in town, many of them the leading gentry and lawyers. Hearing that Mercer had arrived, a crowd quickly gathered and moved on the Mercer family residence. Learning of their coming, Mercer set out to meet them. At once they demanded to know whether or not he would resign his post. Mercer pleaded for time and promised an answer before the law would become effective. With that he went to what is now Mrs. Christiana Campbell's coffee house where the governor was eating. The crowd followed. After talking with Mercer briefly, the governor invited him to the palace and walked unescorted with Mercer through the assembled hundreds. Privately to the Board of Trade, Fauquier remarked that he would have called the crowd a "mob, did I (not) know that it was chiefly if not altogether composed of Gentlemen of property in the Colony, some of them at the Head of their Respective counties, and Merchants of the Country, whether English, Scotch, or Virginia." Mercer, after talking with the governor, returned to his father's house and discussed the situation with his brothers. The next morning he found 2,000 Virginians assembled and awaiting his answer. Concluding it was "an Impossibility to execute the Act" and "being obliged to submit to Numbers," he resigned as commissioner and wrote Fauquier that he had no stamps with which to execute the act. With that the crowd carried him off in triumph to the coffee house.

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[19] Hamilton J. Eckenrode, **Revolution in Virginia** (New York, 1916), 22.

Virginia developed a clever legal stratagem to allow the tobacco fleet to sail without the required stamps. Here the agreement of governor, gentry, merchants, and ship captains was essential. Once Mercer had resigned and stated he had no stamps for the customs office, Councilor Peter Randolph, in his capacity of Surveyor General of His Majesty's Customs, declared the ships could sail for England with the stamps on the ships' manifests. Governor Fauquier then followed with sealed certificates for each ship captain attesting to this fact and relieving the captains of any responsibility for non-compliance. With that the tobacco fleet sailed off to England and Scotland.

The other Virginia institution most effected by the tax was the court system. The General Court closed. Many county courts did likewise. At the suggestion of Richard Henry Lee, the Westmoreland County court on September 24, 1765 stated it would not sit again until the Stamp Act was repealed. Northampton County court took a radically different approach proposed by Littleton Eyre and stayed open, declaring the Stamp Act "did not bind, affect or concern the inhabitants of this colony, inasmuch as they conceive the same to be unconstitutional." The neighboring Eastern Shore county of Accomac followed suit. Edmund Pendleton advised James Madison, Sr., that justices of the peace should serve on the county courts and the courts should stay open, for the justices had taken an oath to uphold the law. Since the Stamp Act was unconstitutional, they would not be violating their oaths if they held court without the stamps. It was a strange restructuring of British constitutional procedure which saw Virginia county courts and individual justices of the peace declaring the laws of parliament unconstitutional. Nullification of the law was at hand.

Most county courts stayed closed to pursue Lee's tactics of applying pressure on British merchants who needed the courts to enforce contracts and collect debts. By closing the courts and boycotting British imports, the Virginians put pressure on the merchants who put pressure on the government. Asserting pressure in a more direct manner, Lee and his fellow gentry, and any other freeholders who wanted to attend, gathered at Leedstown, Westmoreland County, on February 27, 1766 and drew up an "association." They restated the Stamp Act Resolves and asserted that should anyone comply with the Stamp Act the "associators—will with the utmost Expedition convince all such Profligates, that immediate danger and disgrace shall attend their prostitute Purpose." Should any associator suffer as a result of his action, the others pledged "at the utmost risk of our Lives and Fortunes to resore such Associate to his Liberty." The next day the associators crossed over the Rappahannock to Hobb's Hole and "convinced" Tory merchant Archibald Ritchie to forego his announced intention to use stamps. A similar association in Norfolk, the Sons of Liberty, actually tarred and feathered ship captain William Smith, tied him to a pony cart and dragged him through Norfolk streets to Market House. Along the way by-standers, including Mayor Maximilian Calvert, heaved rocks and rotten eggs at the hapless captain whose final humiliation came when he was tossed into the harbor beside his ship.[20] Small wonder ship captains did not sail to Virginia and London merchants were quickly submitting petitions against the Stamp Act.

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[20] The resoluton of the Westmoreland and Northumberland courts, and Leadstown Association, and the Norfolk Sons of Liberty are found in Van Schreeven and Scribner, **Revolutionary Virginia**, I, 19-26, 25-48.

Repeal and the Declaratory Act, 1766

In July 1766 for reasons unrelated to the American crisis, George III replaced the Grenville ministry with a new ministry, headed by the Marquis of Rockingham, which included the Duke of Newcastle, Henry Conway, and the Duke of Grafton. Missing was the Old Whigs principal leader, William Pitt, who preferred to pursue his independent and mercurial ways. The Rockingham ministry, most of whose members had disliked the Stamp Act from the beginning, drew their greatest strength from the merchant communities. By the time parliament opened in December, Rockingham and his supporters were in agreement—the act must be repealed. But how? The violence and riots in Boston and Newport had raised cries against property destruction while the extreme constitutional position attributed to Virginia and the Stamp Act Congress challenged the very heart of parliament's sovereignty. Pitt hardly helped Rockingham by excoriating Grenville and exclaiming, "I rejoice that America resisted."

Pitt did, however, inadvertently propose the solution when he concluded his denunciation by saying:

> . . . the Stamp Act (must) be repealed absolutely, totally, and immediately. That a reason be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms of legislation whatsoever. That we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent.[21]

Pitt, following the resolution of the Stamp Act Congress, defined "legislation" to mean laws governing trade for regulation and general government, but not internal or external taxes.

By January the clamor for repeal in financially-stricken London rose to fever pitch, but no solution which admitted that the act was based on "erroneous principle" would pass. Finally, a Declaratory Act was passed embodying the ambivalent statement to the effect that parliament did have the power to make laws binding on the colonies "in all Cases whatsoever." Though Pitt and the colonists interpreted laws to mean everything except taxes, others interpreted it to mean taxes; and still others interpreted it to mean internal but not external taxes. But the ambivalence was removed when Pitt and Isaac Barré sought to remove the phrase "in all cases whatsoever" to prevent it being used to justify taxes. They failed. Thus, when the Declaratory Act passed, most members of parliament were convinced they had declared their authority to levy taxes even though they had repealed a specific tax, the Stamp Tax.

In that same series of debates and those which followed on repeal itself, the idea grew in the minds of many members that the colonists had made a distinction between "internal" and "external" taxes—the one levied on goods and services inside the colony and the other levied outside the colony or before the goods reached the colony. The first might be the prerogative of the colonial assembly, the other of parliament. Undoubtedly, many seized upon the distinction between "internal-external" as a principle they could accept in the midst of a serious setback and failure. If so, they were helped along by a magnificent presentation by Benjamin Franklin, agent for Pennsylvania, who presented the colonial case to the commons. In his astute and often clever way, Franklin dodged the internal-external issue, knowing full well most house members would not accept the idea of complete colonial autonomy on tax matters, while the colonists would accept nothing less. He hoped repeal would remove the immediate difficulty and parliament would avoid the taxation issue in the future. His brilliant presentation was instrumental in gaining repeal of the Stamp Act, but the short-term solution created long-term confusion.[22]

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[21] Cited in Morgan, **Stamp Act,** 335. The discussion which follows accepts as convincing Morgan's contention, pages 15-154, that the colonists made no distinction between internal and external taxes in theory, only between taxes in general and navigation acts for regulatory purposes.

Nevertheless, repeal was achieved and a collective sigh of relief was heard in London and in the colonies. The colonists rejoiced in their victory. A few men like George Mason read the Declaratory Act and the debates carefully and concluded that the act did not disavow parliament's taxing power. Until a specific disclaimer was included, the problem was not solved. Mason was particularly defiant and sarcastic about the claims by London merchants that they had been able to gain repeal only by promising good behavior from the colonies in the future and warning the Virginians not to challenge parliament again. In his reply Mason mockingly declared:

> The epithets of parent and child have been so long applied to Great Britain and her colonies, that . . . we rarely see anything from your side of the water free from the authoritative style of a master to a schoolboy:
> "We have with infinite difficulty and fatigue got you excused this one time; pray be a good boy for the future, do what your papa and mama bid you, and hasten to return them your most grateful acknowledgements for condescending to let you keep what is your own . . . and if you should at any time hereafter happen to transgress, your friends will all beg for you and be security for your good behaviour; but if your are a naughty boy, . . . then everybody will hate you, and say you are a graceless and undutiful child; your parents and masters will be obliged to whip you severely . . . ."[23]

One other Virginian did not rest until he had challenged the notion, much discussed in parliament by commons member Soame Jenyns, that the colonists, like all British citizens, were "virtually" represented in parliament. To Richard Bland nothing could be more vital to the rights of British subjects than to be represented "directly" by those whom they knew and whom they chose to represent them. In March 1766 he published his magnificent defense of Virginia rights, **An Inquiry into the Rights of the British Colonies.** He would not concede to parliament the notion that the colonies and colonists were represented "virtually" in that body just as the nine out of ten Englishmen were who did not have the vote, or because members of commons were elected from districts in which they did not live or own property, or because nearly every profession and "interest," be it merchant, farmer, west Indian planter, physicians, soldier, clergy, and even a few Americans sat in parliament. The **Inquiry** was a hard-hitting defense of "direct representation." Interlaced with citations to the ancient charters of Virginia were terms of fury—"detestable Thought," "Ungenerous Insinuation," "despicable Opinion," "slavery," "oppression," terms which suggest the level to which rhetoric had risen even for as rational a man as the moderate burgess from Prince George County, now grown "tough as whitleather" with "something of the look of musty old Parchments which he handleth and studieth much." The **Inquiry** was widely read in Virginia and England and its statement on "direct representation" became the standard American defense against "virtual representation" and any half-way measure which would have given the colonies a few seats in parliament in the manner of Scotland or Wales.

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[22] Ibid., 327-352.

[23] Robert A. Rutland, ed., **Papers of George Mason**, 3 vols. (University of North Carolina Press: Chapel Hill, North Carolina, 1970), I, 65-73.

Still the conservative Bland, who said things in a most radical way, was among those most happy to read Governor Fauquier's proclamation of June 9, 1766 announcing Repeal.[24]

British Politics and the Townshend Act, 1766-1770.

The fluid British political situation shifted again in July 1767. The conciliatory Rockingham ministry, having brought off the Stamp Act repeal and modification of the Sugar Act of 1764, could not sustain itself in office. Members of both commons and lords had fought doggedly against repeal and accepted defeat only after considerable patronage pressures from the ministry. These ministry opponents were determined to reassert, on the first opportunity, parliament's authority over the colonies, believing to delay such a confrontation was a sign of weakness. Within the Rockingham ministry personality conflicts developed which eventually brought the ministry to a standstill.

George III correctly perceived that his government faced an emergency. In this crisis he turned to Pitt to lead a new ministry. In one way the king and Pitt were alike. They were "probably the only men in the eighteenth century to believe absolutely in (their) own slogans about patriotism, purity, and a better system of conducting government."[25] On the other hand they differed as to what these terms meant. The intent was good, the timing was wrong. Pitt, for reasons still somewhat obscure, accepted a peerage and became Lord Chatham and opened the door to cries of corruption and sell-out by the "Great Commoner." More significantly, Chatham was trying to lead a ministry from the House of Lords. He could not bring it off and sank deeper into that melancholia which left him mentally incapacitated during much of his ministry's short life.

Amercan affairs fell into the hands of the brilliant, egotistical, unstable, and ambitious Charles Townshend, whom Pitt called in as his chancellor of the exchequer. Townshend was one of those junior government officials who, during the French and Indian War, had discovered the economic richness and maturity of the colonies and their constitutional rebelliousness. He had opposed repeal and represented the gradual infiltration of ministry positions by men who believe the colonists should pay for their government in a manner which forthrightly established parliamentary supremacy. In the 1750's he had developed a plan to bring the colonies into check. Once given the opportunity by Chatham, he seized it with enthusiasm. That opportunity came with the huge deficit in American defense costs for 1766 and New York's intransigent defiance of the Mutiny Act of 1765 (the Quartering Act.)

The Revenue Act of 1767 (the Townshend Act) was a direct challenge to colonial self-government and a true measure of the chancellor's insensitivity and folly. Citing the supposed distinction between "internal" and "external" taxes, a distinction which he, himself, did not believe existed, Townshend proposed import duties on glass, paints, lead, paper, and tea, of which only tea was a potential producer of any real revenue. The funds from these import duties were assigned to pay the salaries of colonial governors and other royal officials and were not for defense expenditures. Had Townshend calculated a means for arousing the ire of the colonists, he could not have chosen a better device. It was an injustice that Townshend died suddenly before he had to wrestle with the consequence of his actions.

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[24] For the full text of Bland's **Inquiry**, see Van Schreeven and Scribner, **Revolutionary Virginia**, I, 27-44.

[25] J. Steven Watson, THE REIGN OF GEORGE III (Oxford, 1960), 4.

By 1769 Chatham finally realized he could not longer govern and resigned the government to his hero-worshipping follower, the Duke of Grafton, ostensibly over the decision of Chatham's own ministers to dismiss General Jeffrey Amherst as titular governor of Virginia and replace him with Norbonne Berkeley, Baron de Boutetourt.[26] Actually, Chatham's policies in Europe and America had been repudiated and "hardliners" were regaining power. Grafton managed to hold on and to do nothing until February 1770 when the Whig majority completely fell apart and the king turned to Lord North and the Tories to run the country.

One result of this political infighting and personality conflict was support for the king. Amidst the factionalism, corruption, and greed, independent members of parliament saw the crown as the only means for creative, effective leadership. For that reason George, after 1770, not only had a minister he could work with, he had a more tractable parliament aided by the complete disintegration of the Whigs and a hardening attitude toward the Americans whose actions bordered on disloyalty, if not treason.

Virginia Politics, 1766-1768

Political leadership in Virginia also underwent a change after 1766. Unlike Britain, the changes in Virginia broadened political leadership to include the new elements which emerged during the Stamp Act debates, the Lee-Henry group. It also brought into power those who were less likely to be satisfied with political addresses and constitutional niceties should parliament pass into law the powers it claimed in the Declaratory Act.

In May 1766 Speaker-Treasurer John Robinson died. His death coincided with the murder by his son-in-law, Colonel John Chiswell, of Robert Routledge of Cumberland County in a tavern fight. Although his father-in-law and his Randolph relatives managed to gain his release from jail pending trial, Chiswell believed he was going to be convicted if the case came to trial and chose suicide to jail. Both events shook the Robinson-Randolph leadership and the gentry everywhere. Robinson's death brought into the open the extent of his financial problems and persons to whom he had loaned money.

In 1766 Virginians were treated to another new phenomenon—an open and free press. From 1732 when William Parks set up the **Virginia Gazette** until 1766 there had been only one paper in the colony. Besides relying very heavily upon the government, both royal and assembly, for printing contracts, the **Gazette** tended to print only news which would not offend. After 1766 there were three **Virginia Gazettes,** being published at various times in Williamsburg by William Hunter, William Rind, and

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[26] Ibid. From 1710 to 1768 the governor for Virginia did not reside in the colony, choosing instead to accept a fixed salary and agreeing to send in his stead a lieutenant-governor who actually exercised all the power. This system ended with Amherst and his lieutenant-governor, Francis Fauquier, who died in March 1768.

Alexander Purdie. In aggressively seeking subscribers and advertisers in lieu of government printing contracts the two new papers gave extensive coverage to the Robinson scandals, the Chiswell murder case, and the running debates between the various candidates for Robinson's offices. From 1766 on Virginians had a public forum for political debates in the letters-to-the-editor columns on British policies and actions.

The immediate result of Robinson's death was the division of his two offices. After vigorous campaigning previously unknown in Virginia, Peyton Randolph won out as speaker over the Lee candidate, Richard Bland. Robert Carter Nicholas, who had conducted the first newspaper campaign in Virginia, was elected treasurer. John Randolph replaced his brother as attorney-general. Major changes came in the house committees where Lee, Henry, and friends were placed on the powerful Committee on Elections and Privileges. The death of Robinson did not result in an overthrow of the Tidewater leadership. Virginia leadership has seldom changed in a dramatic fashion. Instead, the prevailing groups have tended to expand just enough to include those who gained political power, but not those who have demagogically courted it.

Lee, with his great planter family tradition, was merely admitted to a house leadership at a time when most members were sharing his passionate dislike of the British. Henry won his spurs not before the crowd but on the floor of the House of Burgesses. At a time when the British were falling into greater factionalism, the Virginians were healing breaches. The willingness of Richard Bland, a cousin of Peyton Randolph, to run for the speakership with Lee-Henry backing is one example of this truth.

The Townshend Act in Virginia, 1767-1771

Reaction to the Townshend Act was greatest in the northern colonies which it most directly affected. Reaction was sharpest in Massachusetts. There the legislature passed and distributed a circular letter in February 1768 urging all colonies to join in a petition to the king against the intent of the act—to make the governor and other officials financially independent from the legislatures over which they presided. The situation in Massachusetts, as it had in the latter stages of the Stamp Act Crisis, quickly degenerated into violence, and General Gage had to send British troops to restore order in Boston.

The Virginia General Assembly was in session when the circular letter arrived in April 1768. The house formed a committee headed by Bland to draw up another petition to the king, memorial to the lords, and remonstrance to the commons. Moderate in tone, but forceful in defense of Virginian's rights, the 1767 Remonstrance protested parliament's passage of the tax package and perhaps most forcefully denounced parliament's action in closing the New York legislature for opposing the Mutiny Act. The council concurred in these addresses. Before the assembly could move on to bolder actions, the meeting was prorogued by President John Blair. The assembly did not meet again until May 1769. In the interim Lord Botetourt arrived to replace Fauquier who had died in March 1768.

By the time the burgesses reassembled other colonies had formed non-importation agreements and were boycotting British goods. On May 16 the House of Burgesses adopted resolutions reasserting its exclusive right to levy taxes in Virginia and condemning recent parliamentary proposals to transport colonists accused of treason to England for trial. George Washington introduced a non-importation plan devised by Richard Henry

Lee and George Mason. Before the house could act Botetourt dissolved the assembly. This time most of the house moved up the street to the Raleigh Tavern where 89 of them signed a non-importation association on May 18, 1769. Lee, Mason, and Washington proposed a ban on tobacco exports as well, but lost. The association called for a ban on British imports, a reduced standard of living to lessen dependence of British credit, and the purchase of goods produced in America. Hopefully, the British merchants again would bring pressure on parliament.

The association, which was voluntary and lacked enforcement procedures, was only partially successful in Virginia. A second association was announced in May 1770 following repeal of all the Townshend duties except the tea duty. By late summer the boycott had collapsed although the association was not dissolved until 1771.

Neither in Virginia nor the other colonies did the Townshend protests arouse the passions or unanimity of support generated by the Stamp Act. The lack of strong reaction may have been the result of a number of factors. The Townshend duties applied to goods which were less widely used than those affected by the Stamp Act. The Virginia economy was still struggling to recover its forward momentum, and the merchants who had to bear the greatest burden in the boycott were reluctant to protest too strongly. In addition, the colonists had a feeling the duties would be repealed. Most importantly, the imposition of a duty to pay for the governor's salary was no issue in Virginia where the assembly had given the governor a permanent salary in 1682.

In 1770 the duties, except for the Tea Tax, were repealed. George Mason, Thomas Nelson, Jr., and Thomas Jefferson lamented the retention of the Tea Tax as a symbol of British oppression and supported the half-hearted "association." Most Virginians agreed with Robert Carter Nicholas' plea:

> Let things but return to their old channel, and all will be well;
> We shall once more be a happy people.

The False Interlude, 1770-1773

The Chesapeake tobacco economy rebounded sharply upward in the early 1770's. The recovery from the recession of the 1760's soothed many ruffled feelings and Virginians were "once more a happy people." Unfortunately it was a false prosperity. The old economic problems reappeared in 1773. Overproduction of tobacco, overextension of credit by British merchants, speculation in lands and tobacco, and inflated prices caused the tobacco economy to collapse. The crisis first appeared when several leading Glasgow merchants failed. They were unable to pay their own creditors and unable to call in money from Virginia. Several large London firms followed the Scots into bankruptcy, and a general retrenchment of tobacco credit followed throughout 1773 and into 1774.

The calm produced by repeal of the duties also was false. There were many Englishmen who understood the problem. Said Edmund Burke, the most creditable opponent of the various tax schemes and the most cogent defender of colonial liberty in parliament:

> The Americans have made a discovery, or think they have made one, that we mean to oppress them. We have made a discovery, or think we have made one, that they intend to rise in rebellion against us . . . we know not how to advance; they know not how to retreat. . . .

Lord North put his finger squarely on the issue as it remained unresolved after 1770:

> The language of America is, We are not subjects of the king; with parliament we have nothing to do.
> That is the point at which the factions have been aiming; upon that they have been shaking hands.

The empire was being held together by a king. Affection for the crown and love for the British constitution as the best government in the world was the hallmark of Virginia loyalty. Not until the eve of independence did Virginians come to believe that the king, himself, had subserted the constitution. When they did they could no longer "shake hands." Only outside the empire could the blessings of the true constitution be retained.

In October of 1770, the beloved governor, Lord Botetourt died. His successor, the Earl of Dunmore, arrived in July of 1771.

The Road to Revolution, 1773-1774

Virginia tobacco planters and merchants were not alone in their distress. From India came word of serious, even disastrous, troubles plaguing the East India Company. The company not only controlled the tea market, it also governed India for the British. Collapse of the company would be a major disaster for the crown, company, country, and colony together. To save the company the North ministry proposed, and parliament approved, laws to improve company management, lend it money, lower but enforce the duty on tea, and grant the company a monopoly on tea sales in England and America.

Reaction in Virginia was quick and pointed. The Tea Act of 1773 raised two highly volatile issues: the right to tax and the granting of a trade monopoly on tea. In both instances the principle was most bothersome. The tea tax was small, but as Bland had said of the Pistole Fee, "the question then ought not to be the smallness of the demand, but the Lawfulness of it." A small tax successfully collected would lead to other levies. Also, a successful monopoly of the tea trade granted to the East India Company could be followed by similar actions to the detriment of all American traders, merchants, and consumers. The discriminatory uses of both taxing power and the Navigation Acts became pointedly clear in a time of economic decline in which no one was proposing loans and special privileges for Virginia tobacco planters. Bland had been right—"LIBERTY and PROPERTY are like those precious Vessels whose soundness is destroyed by the least flaw and whose use is lost by the smallest hole."

Virginia was already prepared for intercolonial action. In June 1772 the British ship, **Gaspee,** ran aground while on customs duty in Narragansett Sound. Rhode Islanders burned the ship to the water line, injuring the captain in the process. When the guilty colonists, who were well-known members of the Providence community, were not apprehended, a royal proclamation was issued decreeing trial in England for any of the culprits caught and granting use of troops to help apprehend them. A royal commission was dispatched to Rhode Island. Such a commission, if once the precedent was established, could be used against all the colonies.

For a long time Richard Henry Lee had been advocating an intercolonial committee of correspondence. Now the time had come to act and for all the colonies to be more alert to these "transgressions" and "intrusions upon justice." On March 12, 1773 the House of Burgesses, on a motion by Dabney Carr, burgess from Albemarle County and brother-in-law to Jefferson, established a Committee of Correspondence composed of Bland, Richard Henry Lee, Henry, Jefferson, Robert Carter Nicholas, Benjamin Harrison, Edmund Pendleton, Dudley Digges, Carr, and Archibald Cary to inquire into the **Gaspee** affair. More importantly, the resolution called upon all the other assemblies to "appoint some person or persons of their respective bodies to communicate from time to time, with the said committee.[27] Said an unknown "Gentleman of Distinction" (probably a Lee) in the **Virginia Gazette** the following day, ". . . we are endeavoring to bring our Sister Colonies into the strictest Union with us; that we may resent, in one Body, any Steps that may be taken by Administration to deprive any one of us the least Particle of our Rights and Liberties." Within months every colony had a committee of correspondence. And within months the "Administration" would deprive Boston of its rights and liberties.

The Boston Tea Party and the Intolerable Acts

Reaction to the Tea Act was nearly unanimous. The tax should not be paid and a boycott on tea imposed. A boycott developed in Virginia. Merchants exhausted their stocks and refused to replenish them. Most Virginians ceased drinking tea. No one, however, was prepared to resort to violence, so there was little sympathy among Virginians for the destruction of tea in Boston harbor by a "tribe of Indians" on December 16, 1774. Old colonial friends in England including Burke, Chatham, Rose Fuller, and even Isaac Barré were also shocked.

Parliament saw the issue as order, government by law, protection of private property, and even treason. The long history of riotous actions by Bostonians was recalled. The commons decided that the time had come to stand firm. Repeal of the Stamp Act and Townshend Duties had not brought respect for and acceptance of authority. Mason's "dutiful child" now was to be "whipped." Boston must be brought into line for her obstreperousness. The response of parliament was slow, measured, and calculated. The Coercive Acts (the English name, not the colonial) took two months to pass. By these acts: 1) the port of Boston was closed until the destroyed tea was paid for; 2) the Massachusetts government was radically restructured, the governor's powers enhanced, and the town meetings abolished; 3) trials of English officials accused of felonies could be moved to England; and 4) a new Quartering Act applicable to all colonies went into effect.

At the same time, and unconnected with the Coercive Act, parliament rendered its final solution to the western land problems by passing the Quebec Act of 1774. Most of the provisions of the Proclamation of 1763 respecting government were made permanent. All the land north of the Ohio was to be in a province governed from Quebec. Lost was the hope of many Virginia land company speculators and those in other colonies as well. Not only was the land now in the hands of their former French enemies in Quebec, but the land would be distributed from London and fall into the hands of Englishmen, not colonials. Coming as it did just after Governor Dunmore and Colonel Andrew Lewis and his land-hungry valley frontiersmen had driven the Shawnees north of the Ohio in the bloody battle of Point Pleasant (1774) (also called Dunmore's War), the Quebec Act was seen in Virginia as one more act of an oppressive government, one more act in which the Americans had suffered at the expense of another part of the empire. That the act was a reasonable solution to a knotty problem was overlooked.

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[27] For the resolution see, Van Schreeven and Scribner, **Revolutionary Virginia**, I, 89-92. Also note that this committee consists of men who were on opposite sides of the fence in the Stamp Act debate in 1765.

When the Virginians talked about the Coercive Acts, they called them the Intolerable Acts and included not just the four Massachusetts laws but the Quebec Act as well.

Word of the Boston Port Bill and the intent of the other Intolerable Acts reached Virginia just as the assembly prepared to meet on May 5, 1774. Public indignation built rapidly even among small planters and farmers who knew little of the constitutional grievances. They could not understand the "mailed fist" stance implicit in the acts. With the necessary legislation out of the way, the house on May 24, 1774 appealed to the public at large to send aid to their blockaded fellow-colonists in Boston. They then declared June 1st, the day the Boston port was to be closed, "a day of Public Fasting, Prayer, and Humiliation." A sense of inter-colonial commaraderie was building. Any reservations Virginians had about the propriety of the Tea Party was lost in the furious reaction to the Intolerable Acts. Governor Dunmore on May 26 dissolved the assembly for its action. He could not prevent the day of fasting and prayer from occurring on June 1st. Nor could he halt the determined burgesses.

On May 27th the burgesses reassembled informally in Raleigh Tavern, elected Speaker Randolph to be their moderator, and formed an association which was signed by 89 burgesses. At the urging of Richard Henry Lee, the most ardent exponent of intercolonial action, the burgesses issued a call for the other colonies to join in a Continental Congress. They then agreed to reassemble in Williamsburg on August 1st to elect and instruct delegates to the congress and to formulate plans for a non-importation, non-exportation agreement to bring total pressure on British merchants.

It would be a year before Lexington and Concord and two years before the Declaration of Independence, but the revolution in Virginia had already begun in the true meaning of John Adams' words "the Revolution was in the minds and hearts of the people." After May 17 the center of Virginia government moved from the General Assembly to the Virginia Conventions. The assembly would meet briefly in June 1775, but the real "mind and heart" of Virginia would be in the convention.

Part III:

From Revolution to Independence

The First Virginia Convention

By the time members of the convention gathered in Williamsburg on August 1 popular opinion for stern action against the Coercive Acts was unequivocal. From Spotsylvania, Norfolk, Portsmouth, Prince William, Frederick, Dunmore (now Shenandoah), Westmoreland, Prince George, Essex, Middlesex—in all, 31 towns and counties, came outspoken resolutions against parliamentary usurpation of Virginia rights. Liberally sprinkled throughout the resolves were sentiments like, "it is the fixed Intention of the Said Ministry to reduce the Colonies to a State of Slavery," "we owe no Obedience to any Act of the British Parliament," "we will oppose any such Acts with our Lives and Fortunes," "the present Odious Measures," or "ministerial Hirelings, and Professed Enemies of American Freedom." The targets were parliament and the king's ministers. As yet, few Virginians were willing to believe that they would not receive justice from the king, choosing to believe instead that the king was as much a victim of parliament's "corruption" as were the colonists.

"He has kept among us, in times of peace, standing armies without the consent of our legislatures. . ."

The unifying theme in the resolves were calls for "non-importation, non-exportation, and non-consumption." Halt the importation of all goods from Britain, export no tobacco or supplies to Britain and the West Indies, and consume no European goods, luxuries, and above all no tea. Knowing economic coercion had brought repeal of the Stamp Tax and the Townshend Duties, they were certain coercion would work against the Intolerable Acts.[28]

The outpouring of delegates to the non-legal convention, well over 100 of the 153 delegates eligible to serve, so gratified the usually laconic George Washington that he noted, "We never before had so full a Meeting of delegates at any one Time." With enthusiasm the representatives, most of whom had sat as burgesses in May, elected Peyton

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[28] Copies of the extant county and town resolves with the names of many of the signers can be found in Van Schreeven and Scribner, **Revolutionary Virginia**, I, 168. There are known, but unrecorded, resolves from at least nine more of the 65 Virginia jurisdictions.

Randolph as moderator and issued a call for a Continental Congress of all the colonies to meet in Philadelphia in the fall.

Much more difficult to achieve were tactics and strategies for applying economic coercion. While the delegates agreed non-importation should be instituted, they could not easily agree upon what English and European goods should be excluded as luxuries. All did agree that no slaves should be imported. Here the convention went beyond a mere desire to place economic pressure on British slave traders; their objective was to halt the trade altogether. The major stumbling block to action was non-exportation of tobacco and non-collection of debts. While most exponents of non-exportation and non-collection wanted to break the business links to Britain and to hasten resolution of the constitutional impasse, there were some Virginians who undoubtedly believed that these measures would bring them relief from their creditors. The majority of the delegates, however, including many of the radicals and those most deeply in debt, held it was improper to refuse to send to England tobacco promised to merchants and creditors. Such a tactic was a violation of private contract and personal honor. Radical Thomson Mason put it succinctly, "Common honesty requires that you pay your debts."

Eventually a series of compromises was worked out. All importations from Britain and the West Indies would cease on November 1, 1774; all slave importations would cease the same day; no tea would be drunk; and colonists would wear American-manufactured clothes and support American industries. If these measures did not bring relief and redress of grievances, all exports would cease on August 10, 1775. To assure compliance and enforcement of these agreements 107 delegates signed the Virginia Association binding themselves together in common action. The convention elected and instructed Peyton Randolph, Richard Henry Lee, Washington, Henry, Bland, Harrison, and Pendleton "to represent this Colony in general Congress." They then departed to establish committees and associations in every county and town in Virginia. Determination to aid Massachusetts and a conviction that if one colony suffered, all suffered, permeated the convention resolutions. John Adams confided in his diary on August 23, " . . . saw the Virginia Paper. The Spirit of the People is prodigious. Their Resolutions are really grand."

Two publications issued during the summer of 1774 confirm the degree to which Virginians were moving away from Britain toward an autonomous commonwealth status with the king the only link binding the colonies to the mother country. The first was a series of letters published in the **Virginia Gazette** (Rind) during June and July signed by a "British American," who later identified himself as Thomson Mason, the outspoken brother of George Mason. The second were notes and resolutions by Thomas Jefferson, later published and distributed widely throughout the colonies under the title, **A Summary View of the Rights of British America.**[29]

Thomson Mason's letters, often ignored in favor of Jefferson's **Summary View,** are especially intriguing because they start with a favorite Virginia assumption—The British constitution was "the wisest system of legislation that ever did, or perhaps ever will, exist." It provided a balance in government between the crown, the nobility, and the commons, or as Mason suggests, it blended the three forms of government, "monarchy, aristocracy, and democracy (each) possessed of their distinct powers, checked, tempered, and improved each other. . . . The honour of the monarchy tempered the impetuousity of democracy, the moderation of aristocracy checked the ardent aspiring honour of monarchy, and the virtue of democracy restrained the one, impelled the other, and invigorated both. In short, no constitution ever bid so fair for perpetual duration as that of England, and none ever half so well deserved it, since political liberty was its sole aim, and the general good of mankind the principal object of its attention."

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[29] Both are published in Van Schreeven and Scribner, **Revolutionary Virginia,** I, 169-203 and 240-256.

What went wrong according to Mason, was not that a hapless king ascended the throne, but a corrupt aristocracy had perverted parliament and parliamentary powers to its own end. Therefore, the colonies owed no obedience to the laws of parliament at all; in fact, to no law passed by that body since 1607. The people of Virginia should be prepared to defend themselves and ready to "unsheath the sword" to show the English aristocracy they were determined to protect the "few Rights which still remain" and to regain "the many privileges you have already lost." With great courage Mason signed his name to the last letter, in which he undoubtedly had written treasonous remarks. It is a measure of the times that no Virginian rose to shout "Treason!" in 1774.

Jefferson's more famous **Summary View** moved to nearly the same conclusion with perhaps even more emotion and rhetoric. Intended to arouse the convention, from which he was absent, the **Summary View** is one of Jefferson's few impassioned pleas, written with fervor in what Dumas Malone, his distinguished biographer, calls "the white heat of indignation against the coercive acts."[30] Filled with errors he would undoubtedly have corrected if he had not fallen sick, Jefferson directed himself toward moral and philosophical arguments. The essential question was "What was the political relation between us and England?" The answer was a voluntary compact entered into between the king and his people when they voluntarily left England for America, a compact which they had never renounced, but which parliament had broken and the king had not protected. He denied the authority of parliament even to make laws for trade and navigation and asserted England was now attempting to take for its own benefits the fruits of a society wrested from the wilderness by the American colonists. These colonists, having arrived without assistance, voluntarily formed a government based on their own natural rights and were entitled to defend those rights and that government against the repeated incursions of parliament. Then Jefferson touched upon a very telling point in understanding the radical shift of the colonists in their allegiance from 1763 to 1775. He noted that while parliament had passed laws previously which had threatened liberty, these transgressions had been few and far between. More recently, however,

> Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder had involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of the day; but a series of oppressions, begun at a distinguishable (an identifiable point in time) period, and pursued, unalterably through every change of ministers, too plainly prove a deliberate and systematical plan for reducing us to slavery.

To Jefferson in 1774 the source of this conspiracy to reduce the colonies to slavery was parliament; by 1776 he would identify the king as being involved as well.

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[30] Dumas Malone, **Jefferson the Virginian** (Little, Brown: Boston, 1948), 182. His excellent discussion of the **Summary View** is on pages 181-190.

Too rash, and too radical, for the August convention or even for the Continental Congress in October 1774, the **Summary View** would earn for Jefferson an intercolonial reputation as a brilliant writer and a foremost patriot. It was this reputation which resulted in his appointment to the committee in June 1776 which drew up a declaration of independence.

Virginia and the First Continental Congress

On August 30, Washington, Henry, and Pendleton set out from Mount Vernon for Philadelphia. There they met their fellow Virginians and delegates from every colony except Georgia whose governor had prevented the legislature from sending delegates. The Massachusetts men, conscious that many colonists considered them radical, impulsive, and even crude, determined to operate behind the scenes, deferring to the Virginians whom Adams called "the most spirited and consistent of any delegation." They were successful, for Caesar Rodney of Delaware was soon complaining that "the Bostonians who have been condemned by many for their violence are moderate men when compared to Virginia, South Carolina, and Rhode Island." The union of New England and the southern colonies quickly produced the election of Peyton Randolph as speaker of the convention and alarmed the more conservative members like Joseph Galloway of Pennsylvania.

Try as they might the members of this first congress made slow headway. They knew little of each other and often spent time defending their own reputations rather than finding common grounds for action. While bound together by parliament's invasion of their rights, they could not move forward in unison with a specific plan to protect those rights. So limited were their visions by their own provincial experiences that they had to be asked directly by Patrick Henry, "Where are your Landmarks; your Boundaries of Colonies. The Distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders, are no more. I am not a Virginian, but an American!" George Washington in his more plain way did the same thing by talking about "us" instead of "you."

Then unfounded rumors circulated that Boston had been bombarded by General Thomas Gage. Complacency ended. Congress acted with dispatch to approve the Suffolk Resolves from Massachusetts. In direct, defiant terms these Resolves restated the rights of the Americans in tones familiar to Virginians:

> If a boundless Extend of Continent, swarming with Millions, will tamely submit to live, move and have their Being at the Arbitrary Will of a licentious Minister, they basely yield to voluntary Slavery, and future Generations shall load their Memories with incessant Execrations—On the other Hand, if we arrest the Hand which would ransack our Pockets. . . . Posterity will acknowledge the Virtue which preserved them free and happy. . . ."

Slavery, freedom, happiness, virtue, liberty were the clarion calls to which the colonials acted and reacted.

When the First Congress had completed its tedious work on October 26, it had adopted much of the Virginia Convention proposals: non-importation of British and West Indian products would begin on December 1; non-exportation, if necessary, would begin on September 1, 1776; and a Continental Association patterned after the Virginia Association was urged for every town and county in the colonies to assure enforcement of the embargoes. Congress prepared an address to the British people and a mild memorial to the American people setting forth the history of "Parliamentary subjugation." The delegates turned aside as premature Richard Henry Lee's call for an independent militia in each colony.

The very conservative nature of the whole revolutionary movement can be seen in congress' plea to the British people—"Place us in the same situation we were at the close of the last war, and our former harmony will be restored." They wanted a restoration of rights they thought they long had held and now had lost. To do so, however, involved a concession of parliamentary authority which few in England were willing to do.

Great Britain Stiffens

Economic coercion through non-importation, non-exportation, and non-consumption was the main weapon of the colonials. It had worked before, it was not to work in 1774. There was a growing resentment in Britain against the colonials' intransigence. Repeal of the Stamp Act and the Townshend duties had brought no respect from the colonists and no suggestions about how to relieve the financial pressures on British taxpayers. Whereas parliament had listened to the pleas from distressed London tobacco merchants and traders in 1766 and 1770, members of both houses were increasingly of the opinion that the earlier repeals were a mistake. The basic issue of constitutional supremacy had been avoided. Now it must be faced. Even before the Continental Congress had met, King George remarked to Lord North, "The die is cast, the Colonies must either submit or triumph; I do not wish to come to severer measures but we must not retreat." There is no evidence that British public opinion differed with him.

Most Englishmen, the king and most members of the commons among them, considered the raising of independent militia companies in New England and the enforcement of non-importation by the Virginia Associations to be acts of rebellion. When they learned about the Continental Association in late 1774, they were convinced sterner measures were called for. At its January 1775 session parliament defeated a late-hour plan of union offered by Chatham. This plan would have conferred limited dominion status on the American colonies, reasserted the fundamental power of the crown, and repealed all the colonial acts passed by parliament after 1763. A similar plan had been offered by Galloway to the First Continental Congress. Both failed. Lord North, while sympathetic to plans for easing tensions, offered a plan of reconciliation by which the colonists would grant annual amounts for imperial expenses in lieu of taxes, but he could find no solution which at the same time did not diminish the authority of parliament or force the colonists to accept some vague annual levy determined in Britain.

Believing New England was in a state of rebellion and that the embargoes were acts of treason, parliament in March 1775 passed the Restraining Act. New England commerce was restricted to Great Britain, Ireland, and the West Indies, excluded from the Newfoundland fisheries, and barred from coastal trading with other colonies until they ended their associations and complied with the Boston Port Act. When further testimony demonstrated that Virginia, South Carolina, New Jersey, Pennsylvania, and Maryland were equally guilty of forming non-importation associations, they were added to the Restraining Act list.

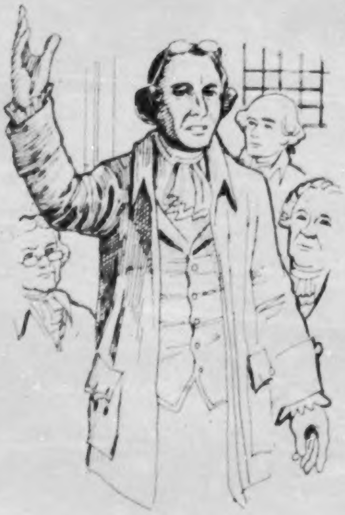
Simultaneously, parliament passed North's plan for reconciliation which embodied the proposal for removing all parliamentary taxes if the colonial legislatures would provide alternative sources of revenue.

War

As parliament debated, events in America took matters out of the realm of abstract theory and put them into the context of practical revolution.

For Virginia the crucial decisions had been made by the Second Virginia Convention meeting on March 20, 1775 at St. John's Church, Richmond, far from Governor Dunmore's eyes in Williamsburg. Originally called to hear reports from the delegates to the First Continental Congress, to elect delegates to the Second Congress, and to review the operations of the association, the convention soon found itself embroiled in a call by Patrick Henry for sanctioning a Virginia colonial militia independent of the existing militia which was deemed too reliant on the governor. To Henry the situation was obvious. Time was fleeting. Increasing numbers of troops were in New England; a fleet was bound for New York; war was inevitable; Virginia must be protected. Rather ingeniously he argued that a well-armed Virginia militia would eliminate the need for a standing army of British regulars in the colonies. "A well regulated Militia, composed of gentlemen and yeoman is the only Security of a free Government." To Bland, Robert Carter Nicholas, and Edmund Pendleton it was too soon for an armed militia. Such an action would be a direct affront to the king. More to the point, they were concerned that the colony was yet too unprepared to meet the full force of British arms which would certainly be brought down upon Virginia for such an act of rebellion. Time was necessary to prepare for this warlike act.

Henry would hear none of it. On March 23 in perhaps his greatest speech, he swept up the reluctant delegates with his fervent cry:



> Gentlemen may cry, peace, peace,—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery: Forbid it, Almighty God! I know not what course others may take; but as for me, Give me Liberty or Give me Death.[31]

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[31] As with Henry's other great speeches no correct text remains. There seems little doubt that the exact words in the speech were lost and that as time went on, they were improved. But the debate over the exact text should not obscure the basic fact that Henry's oratory stirred men's hearts with phrases in a manner no other Virginian, perhaps no other American, has ever done.

Backed by Jefferson, Thomas Nelson, Jr., and Richard Henry Lee, who were determined that Virginia should not be as timid as the Continental Congress had been, Henry carried the day by a close vote. A committee of 12 was elected and included Henry, Lee, Washington, Andrew Lewis of Botetourt and Adam Stephens of Berkeley, fresh from victories over the Indians in Dunmore's War just a few weeks earlier, William Christian of Fincastle and Isaac Zane of Frederick, both experienced Indian fighters, Jefferson, Nicholas, Benjamin Harrison, Pendleton, and Lemuel Riddick of Nansemond.

The committee was a consensus of all opinions. It was a mark of the Virginia legislatures, both the burgesses and the conventions, that once a decision was made, oppositon ceased and the delegates went forward together. One has to be careful not to talk too much about conservatives and radicals. They were all patriots together. The process by which Virginians moved in unison to revolt was summarized by Jefferson:

> Sensible however of the importance of unanimity among our constituents, altho' we (Jefferson, Henry, Lees, Pages, Masons, etc.) often wished to have gone faster, we slackened our pace, that our less ardent colleagues might keep up with us; and they, (Pendleton, Bland, Wythe, Randolph, etc.) quickened their gait somewhat beyond that which their prudence might of itself have advised, and thus consolidated the phalanx which breasted the power of Britain. By this harmony of the bold with the cautious, we advanced with our constituents in undivided mass, and with fewer examples of separation (Tories) than perhaps existed in any other part of the Union.[32]

The committee quickly went to work and authorized formations of at least one infantry company and one cavalry troop in each county. Supplies would be furnished as quickly as possible. Each company would commence drilling at once.

Throughout the spring of 1775 Virginia was alive with signs of rebellion. County committees and associations coaxed, cajoled, and frequently coerced reluctant colonists, particularly the Scots merchants, to comply with non-importation, non-consumption agreements. Militia troops drilled, often in disorderly fashion with little hint of being a threat to British redcoats. Fashionable gentry took to wearing the plain clothes of frontiersmen, and shirts emblazoned with the words "Liberty or Death" were everywhere. County courts had ceased operations, nearly all their justices were now members of the extra-legal committees which ruled Virginia.

On April 19, 1775, General Thomas Gage, learning that the Massachusetts independent militia had armed itself, marched on known caches of arms and powder at Lexington and Concord. The colonial militia under Captain John Parker, warned by Paul Revere and William Dawes, drove the British regulars from the two villages and harrassed them all the way back to Boston. The next night, in a totally unrelated incident, Governor Dunmore of Virginia, for the same reasons, seized the gunpowder in the magazine at Williamsburg. Fighting in Virginia was narrowly averted when the governor paid for the powder. In Massachusetts fighting continued and the British were soon penned up in Boston, surrounded by 13,000 ill-armed but determined New Englanders. In both places the situation was clear enough—the colonists were armed and prepared to fight to defend their rights.

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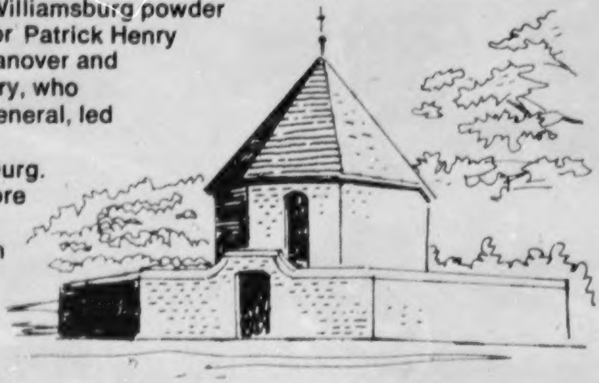
[32] "Jefferson's Recollections," 400-401.

Small wonder then that Lord Dunmore worried over the gunpowder in the Williamsburg magazine. On the night of April 20-21 marines from the H. M. S. **Magdalene** stealthily carried away the powder. Dunmore coyly suggested he had ordered the powder removed for safekeeping to prevent a rumored slave insurrection. Although his lame excuse fooled no one, quiet returned to Williamsburg after a brief flurry of excitement and marches to the Governor's Palace by the Williamsburg independent company.

The Powder Magazine Raid might have come to nothing if word of the Lexington-Concord attacks had not arrived. This news first reached Virginia by rider on April 29. Gage's raid on the Lexington-Concord magazines and Dunmore's seizure of the Williamsburg powder seemed too coincidental for Patrick Henry and 300 militiamen from Hanover and surrounding counties. Henry, who always fancied himself a general, led his men from Newcastle on May 2 toward Williamsburg. Dunmore sent Lady Dunmore and their children to the H. M. S. **Fowey** at Yorktown and garrisoned the palace in anticipation of attack. Fighting was averted when Henry's troops reached Richard Corbin's house in King and Queen County and demanded that Corbin's wife pay for the powder from her husband's funds. Corbin, the receiver-general of royal customs, was away. Upon hearing about the demand he sent a secured note for £300 which Henry finally accepted for the powder. With that the militiamen returned to Hanover.



Conditions were peaceful enough for Dunmore to call the General Assembly into session on June 1 to consider Lord North's plan of reconciliation. The House of Burgesses ignored the plan and concentrated on routine business. On June 5 the house appointed a committee to examine the powder magazine, because, they said with tongue-in-cheek, they had heard it had been burglarized. Dunmore vacillated, first agreeing, then disagreeing to allow the burgesses in. Finally he gave them the key. Then in consternation, for he feared seizure by the colonials, he took refuge on the **Fowey.** Despite pleas from the assembly, Dunmore, who was still a reasonably popular man, refused to return.

On June 24, 1775, the assembly adjourned. For all intents and purposes, although the assembly met briefly in 1776, the history of the Virginia General Assembly ended with this meeting. Thenceforward, government in Virginia came from the Virginian Conventions. The membership of these conventions was comprised mostly of the members of the old House of Burgesses.

At the same time the Virginia Assembly came to an end the Continental Congress was moving to aid Boston and to defend the New Englanders from further armed attack. On June 15, congress unanimously elected George Washington to take command of the new Continental Army created "for the Defense of American Liberty, and for repelling every hostile invasion thereof." The army of 15,000 formed to defend Boston and New York would be supported by the congress with payments from all the colonies. Eight rifle companies, including two led by Captain Daniel Morgan of Frederick County and Captain Hugh Stephenson of Berkeley County were ordered to Boston.

To rally popular support, congress proclaimed "A Declaration of the Causes and Necessity for Taking Up Arms." Written by Jefferson and John Dickinson of Pennsylvania, this declaration laid bare a long succession of "oppressions and tyrannies" by parliament and the king's "errant ministers" who had misled the king into presuming his colonists were disloyal. Although professing continued loyalty to George III, the delegates reiterated their intentions to defend themselves as "free men rather than to live as Slaves," for:

> Our cause is just. Our union is perfect. Our internal Resources are great, and, if necessary, foreign Assistance is undoubtedly attainable.

Nevertheless, the Congress made clear that it did not desire disunion and independence, it merely wanted justice for the Americans. To that end it passed the "Olive Branch Petition," a plea to the king to find some way toward reconciliation.

It is unlikely Congress expected anything more to come from the "Olive Branch Petition" in England than had come from Lord North's plan of reconciliation in the colonies. Nothing did. The king refused it. He had already declared the colonists to be rebels. Parliament rejected it, applying instead its own brand of economic coercion by passing the Prohibitory Act in December 1775. Effective January 1, 1776, all American ports were closed to trade and all American ships on the high seas were subject to seizure and confiscation as enemy ships. By proclaiming the colonists to be enemies in rebellion, parliament and the king, in effect, declared war on the colonies.

To assure itself of manpower, Britain negotiated treaties with Hesse-Cassel and Brunswick for 13,000 Hessians to fight with the British armies in America. From the beginning it was obvious many Englishmen had no stomach for fighting their fellow Englishmen overseas. Conversely it was obvious the colonial Englishmen were prepared to fight in defense of their rights and liberties as Englishmen. After the passage of the Prohibitory Act and the hiring of the Hessian mercenaries no doubt remained that this was to be a full war in which the colonies would, in the king's words, "either submit or triumph." The king felt that he would violate his coronation oath if he failed to defend the supremacy of parliament. He felt that the act of settlement establishing the protestant succession in the House of Hanover to the exclusion of the Catholic Stuarts made parliament supreme and that he was bound by his coronation oath to uphold this supremacy and that he could not honorably agree to the colonists' position. A colonial declaration was inevitable.

Independence

On July 17, 1775, delegates to the Virginia Convention reassembled in Richmond. Those who were reluctant in March now knew that forceful measures must be taken to defend Virginia through creating an interim government. Dunmore could not manage the colony from shipboard, and the royal council was defunct without him. From Philadelphia came word of the formation of the Continental Army with Washington as its commander; from Boston the news was of the staggering casualties inflicted on the British redcoats by the New Englanders before they abandoned Breed's Hill in the battle known as Bunker Hill; from New York rumors spread of the impending invasion by the British navy; and for good news there were the victories of Ethan Allen and Benedict Arnold at Fort Ticonderoga and Crown Point.

The July Convention elected an 11-man Committee of Safety to govern the colony. This committee, which had greater powers than any other executive body in the history of Virginia, could set its own meeting times, appoint all military officers, distribute arms and munitions, call up the militia and independent minute-men companies, direct military strategy, commit men to the defense of other colonies and to assure the colony of its general safety. Unlike many colonies whose interim governments fell into the hands of men previously excluded from high office, the Virginia Committee of Safety comprised men of the first rank, respected leaders from throughout the colony: Pendleton, Mason, Bland, John Page, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer, and James Tabb. Pendleton was the chairman. This committee met in almost continuous session during the crises of 1775.

The convention established a Virginia army of three regiments commanded by Thomas Nelson, Jr., William Woodford, and Patrick Henry, with Henry designated as commander. The choice of the great orator for a field command post turned out to be a mistake which even his most loyal supporters subsequently admitted. The error was later rectified, but not without creating considerable hard feelings.

Throughout the late summer and early fall Dunmore, in command of several ships and British regulars brought up from St. Augustine, blockaded the Chesapeake, raided several plantations, and built bases at Gosport, at the shipyard of Andrew Sprowle used by the Royal Navy near Portsmouth, and in Norfolk. There he was joined by a number of Loyalists, mostly Scots, and 300 former slaves whom Dunmore made into a military company he dubbed "his Loyal Ethiopians." On October 25-27, 1775, Dunmore sent five ships to burn Hampton. Reinforcements were sent from Williamsburg. Except for a severe salt shortage resulting from the blockade and the irritation of seeing former slaves in British uniform with the mocking motto "Liberty for Slaves" replacing the colonial slogan "Liberty or Death," most Virginians saw Dunmore as a nuisance rather than a serious threat.

Then on November 7, 1775, Dunmore, exercising one last gasp of royal power, declared Virginia to be in rebellion, imposed martial law, and announced that all slaves belonging to rebels were emancipated. This action cost Dunmore his creditability and destroyed his reputation among the colonists. Until this time the Virginians had been very respectful of both Lord and Lady Dunmore, whom they assumed were following orders which could not be ignored. Now with this personal act Dunmore had shown himself to favor a determined policy against the colonists.

Deciding to wait no longer, the Committee of Safety which had been criticized for its inaction, dispatched Woodford with an army independent of Henry's command to drive Dunmore from Gosport. Dunmore removed himself to Norfolk. In December 1775 Woodford's men, supported by some North Carolinians, faced Dunmore's army of redcoats, loyalists, and former slaves at Great Bridge, the long land causeway and bridge through the swampland and over the Elizabeth River near Norfolk. There on December 9 Woodford's men repulsed a frontal attack by Dunmore's regulars and drove them from Great Bridge. After losing the Battle of Great Bridge, Dunmore knew he could not defend Norfolk. He abandoned the town to Woodford on December 14, but returned with his ships on January 1, 1776 to shell and burn the port. Woodford's men then completed the destruction of the one center of Torism in the colony by burning the city to the ground.

Dunmore resumed harrassing colonial trade for several more months. However, his loyalist supporters dwindled away and he received no reenforcements of British regulars. Most of his black troops had been abandoned to the colonists after Great Bridge. Those who remained with him were later sent into slavery in the West Indies. Finally, on July 8-9, 1776, Colonel Andrew Lewis' land-based artillery badly damaged Dunmore's fleet at the Battle of Gwynn's Island, in Gloucester County, now Mathews County. With this Dunmore and his ships left Virginia, the Governor going to New York where he took an army command under General Howe. Not until 1779 did a British fleet return in force to the Chesapeake.

On May 6, 1776, the Virginia Convention had reconvened, this time in Williamsburg, for there was no need to fear Dunmore. Nor was there any doubt about the overwhelming Virginian sentiment for independence. The winter's war, the king's stubbornness, Parliament's Prohibitory Act, Dunmore's martial law, and Thomas Paine's stirring rhetoric in his incomparable **Common Sense** had all swung public opinion toward independence. Paine's **Common Sense** touched Virginians through the printed word in much the same manner as Henry's fiery oratory reached their hearts.

Immediately upon sitting, the Convention received three resolutions for independence. Leading the resolutionists was Edmund Pendleton, President of the Convention, formerly among the more cautious of patriots. For once Henry wavered slightly and let others take the lead.

On May 15 the convention instructed Richard Henry Lee as a delegate to the Continental Congress to introduce a resolution for independence stating:

> the Congress should declare that these United colonies are and of right ought to be free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is and ought to be, totally dissolved. . . .

This Virginia resolution was a declaration of independence. Read the following day to cheering troops in Williamsburg, the resolution prompted the troops to hoist the Continental Union flag and to drink toasts to "the American Independent States," "the Grand Congress," and to "General Washington."

At the same time the convention appointed a committee led by George Mason to draw up a constitution and a declaration of rights for the people of the new Commonwealth of Virginia. Mason's famous Declaration of Rights was adopted on June 12, 1776, and the Constitution of Virginia was adopted on June 28, 1776.

Virginia was a free and independent state. It would be seven long years, however, before Great Britain accepted this as fact.

Part IV:
The Commonwealth of Virginia

Declaration of Rights

The two greatest documents of the Revolution came from the pens of Virginians George Mason and Thomas Jefferson. Political scientist Clinton Rossiter notes, "The declaration of rights in 1776 remain America's most notable contribution to universal political thought. Through these eloquent statements the rights-of-man political theory became political reality." [33]

"We hold these truths to be self-evident . . ."

As Richard Henry Lee rode north to Philadelphia with the Virginia resolution for independence, George Mason of Fairfax, sat down with his committee and drafted the Virginia Declaration of Rights. Presented to the Convention on May 27, 1776, the Declaration was adopted on June 12, 1776. It reads, in part:

A Declaration of Rights, made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of government.

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the People; that magistrates are their trustees and servants, and at all times amenable to them.

III. That Government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community;—of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration;—and that, whenever any Government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and

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[33] Clinton Rossiter, **Seedtime of the Republic** (Harcourt, Brace and World: New York, 1953), 401.

> indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.[34]

In 16 articles the Declaration goes on to: prohibit hereditary offices; separate the legislative, executive, and judicial branches; assure that elections shall be free; prevent suspending law or executing laws without consent of the representatives of the people; guarantee due process in criminal prosecutions; prevent excessive bail and cruel and unusual punishments; eliminate general warrants for search and seizure; provide jury trials in property disputes; assert "that the freedom of the press is one of the great bulwarks of liberty and can never be restrained but by despotic governments"; provide for a well-regulated militia and warn against standing armies in peacetime; declare that no government can exist within the state independent of the government of Virginia; and grant to all men equally "the free exercise of religion, according to the dictates of conscience." (While this article granted free expression of religion, it did not end the establishment of the former Church of England as the official state church in Virginia. Full separation of church and state did not occur until the General Assembly passed Jefferson's famous Statute for Religious Freedom in 1786.)

The most intriguing article is XV, which is not a declaration of a right as much as it is a reminder that citizens who do not exercise their rights soon lose them.

> XV. That no free government, or the blessing of Liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

Nowhere is the break with England more clear than in the proclamation that "all men are by nature equally free and independent." No longer were Virginians claiming rights which were theirs as Englishmen; they now were claiming rights which were theirs as human beings. These were natural rights which belong to all persons everywhere and no one, either in the past or the future could alienate, eliminate, or diminish those rights.

A second vital observation is the Declaration's firm adherence to the doctrine of popular sovereignty—the power of the government is derived from the people and can be exercised only with their consent or the consent of their elected representatives.

A third observation, among many which can be made, is that for the first time a sovereign state prevented itself and its own legislature from infringing on the basic liberties of its peoples. The possible assault on popular rights by an elected legislature had been made all too vivid by parliament in the 1760's and 1770's.

Edmund Randolph said one aim of the Declaration was to erect "a perpetual standard." John Adams had warned "we all look up to Virginia for example." Neither Randolph nor Adams could have been disappointed. Mason's Declaration of Rights was utilized by Jefferson as he drafted the Declaration of Independence, written into the bills of rights of numerous other states, and finally in 1791 was incorporated into the Federal Constitution as the Bill of Rights.

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[34] Rutland, **Mason**, I, 287-289.

Declaration of Independence

In Philadelphia, Lee introduced the Virginia independence resolution on June 7, 1776. On that day only seven colonies were prepared to vote "aye." Therefore, congress put off a full vote until July 1, hoping by that date for all states to have received instructions from home. In the meantime congress appointed John Adams, Benjamin Franklin, Roger Sherman of Connecticut, Robert R. Livingston of New York, and Thomas Jefferson to draft a declaration. For nearly two weeks Jefferson, with the advice of Adams and Franklin, wrote and rewrote the draft, seeking just the right phrase, the right concept. On June 28 the committee laid its draft before the chamber. On July 4 the Congress completed its revisions. The changes were few when one considers the normal way legislative bodies amend and rewrite the very best of prose. Still the changes were too many for the red-haired delegate from Albemarle County, Virginia, who possessed an ample store of pride in his own words. Jefferson thought his version had been manhandled; Lee went further and said it had been "mangled."

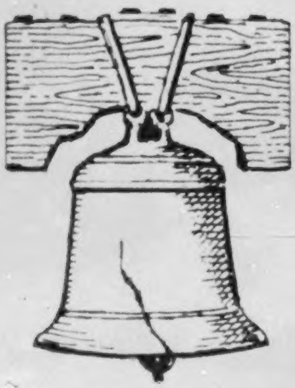
The preamble to the Declaration of Independence is timeless. There in clear and unmistakable language is a rationale for revolution, not just 1776, but all revolutions.

> When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

The last thread which held the colonies to Britain was the king and to cut that thread Jefferson and the Congress charged him with all the acts of parliament and the ministries. As Dumas Malone remarks:

> The charges in the Declaration were directed, not against the British people or the British Parliament, but against the King. There was a definite purpose in this. Jefferson, and the great body of the Patriots with him, had already repudiated the authority of Parliament. . . . Now. . . the onus must be put on George III himself. Such a personification of grievances was unwarranted on strict historical grounds. This was the language of political controversy, not that of dispassionate scholarship.[35]

Parliament, in fact, is not mentioned at all. Jefferson would not even acknowledge its existence, referring to it instead as "others" who have joined with the king in these "repeated injuries and usurpations." But before we worry too much about the king and sympathize with those who believe "poor George" has suffered unnecessary abuse, let us remember that we now know the king, while neither vindictive nor a tyrant, was an adherent to the policies proposed by his ministers which brought disunion to the empire.



On July 4, 1776, by a vote of 12-0, with New York abstaining, the colonies voted independence. On July 8 the Declaration was read publicly. On July 15 New York voted "yes." And on August 2 most delegates signed the formal Declaration itself. (The last signer did not put his signature on it until 1781.)

Just as George Washington misjudged himself and history when he remarked, "Remember, Mr. Henry, what I now tell you: from the day I enter upon the command of the American armies, I date my fall, and the ruin of my reputation," so Jefferson thought little of his composition. He was much more interested in and concerned about the Virginia Constitution. At first he was not identified as the author of the Declaration, for the names of all those who signed were not revealed until January 1777. He was wrong, of course, as the judgment of time has confirmed. The Declaration is the greatest political statement written by an American. To the citizens of the United States it was, and has remained, the most popular and beloved of all their public documents.

The Virginia Constitution, June 29, 1776

One mark of the revolutionary generation's greatness is seen in this series of simultaneous events taking place in June 1776. One Virginian, George Washington, was assembling an army to defend the new nation; two Virginians, Richard Henry Lee and Thomas Jefferson, were leading the congress to independence; and a third group, George Mason and the

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[35] Malone, **Jefferson the Virginian**, 224.

Virginia Convention were constructing a new government for Virginia. Just as Virginia was the first colony to declare independence, she was also the first state to draft a new form of government.

The convention had charged Mason and his committee with writing "such a plan as will most likely maintain peace and order in this colony, and secure substantial and equal liberty to the people." Within two weeks Mason had completed his task. It was not, however, a work of haste, for Mason had contemplated for a long time the proper form of government. To Mason and most Virginians the constitution must: 1) give life to the liberties set forth in the Declaration of Rights; 2) prevent those tyrannies of government which had undermined the once ideal English constitution; and 3) preserve those elements which had been the strengths of the old colonial government. The Constitution of 1776 achieved these ends.

Virginia was made a commonwealth. As Robert Rutland tells us, "Mason's choice of the word 'commonwealth' was no happenstance. Mason knew passages of John Locke's **Second Treatise on Government** verbatim. None struck Mason more forcefully than Locke's notion that a commonwealth was a form of government wherein the legislature was supreme." There was a consensus within the convention that there should be a separation of powers between executive, legislative, and judicial functions, but no equality of powers. The legislative function was to be supreme.

The residual power in the Constitution of 1776 is vested in the people and exercised through the General Assembly. Within the General Assembly the House of Delegates was to be supreme. The Assembly had two houses: The House of Delegates, replacing the House of Burgesses, had two members from each county and one from each town; and the Senate, replacing the old royally-appointed council, had 24 members chosen from 24 districts throughout the state. A peculiarity of this constituion was the use of 12 electors, chosen by the voters in each district, to actually choose the senator from that district. All legislation originated in the House of Delegates, the Senate being allowed to amend all laws except appropriation bills, which it had to accept or reject completely.

Mindful of royal authority and disdainful of executive power, the constitution emasculated the power of the governor, leaving him a "mere phantom." Elected annually by the combined vote of the General Assembly for a maximum of three consecutive terms, the governor had no veto power and virtually no power of executive action. He could not act between legislative sessions without approval of an eight-man Council of State. This council was elected by the assembly "to assist in the administration of government." In truth, the council restrained the executive.

The virtual semi-autonomy of the county courts and the justices of the peace remained. A system of state courts was provided for, its judges also elected by the assembly. Property qualifications for voters and for office holders continued in force. No clergymen were permitted to hold state office.[36]

The constitution, then retained what had worked well in the past—the General Assembly and the county court system; granted to the House of Delegates the written powers it had claimed as the colonial House of Burgesses; eliminated the royally elected council, but retained the idea of an upper house composed of men of property; and totally restrained the governor. Thus, if one definition of a commonwealth is a government in which the legislature is supreme, then Virginia in 1776 was certainly a commonwealth. This constitution became a model for many other state governments, although most states benefited from the unfortunate experiences of governors Henry (1776-1779) and Jefferson (1779-1781) and gave their executives greater administrative latitude.

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[36] Rutland, **Mason**, I, 295-310.

Jefferson had hastened back from Philadelphia to try to influence the writing of the constitution. He arrived too late to have much effect beyond appending to the constitution a preamble paraphrasing the Declaration of Independence. But many of his ideas were too "democratical." He feared the constitution did not have the force of true law, for it had been written by a convention not elected for that purpose by the people. Nor had the people voted directly on the constitution. Jefferson was even more concerned about remaining the vestiges of feudalism, aristocracy, and privilege. He succeeded in eliminating primogeniture (the eldest child has greater inheritance rights than the younger children) and entails (a person could place restrictions on the use of his property in perpetuity). Both primogeniture and entail smacked of inequality and alienation of rights by one generation against the next. Although his Statute on Religious Freedom was not passed until 1786, each session after 1776 saw Jefferson successfully whittle down the privileges of the once-established Anglican Church. From 1776 until 1778 Jefferson, Wythe, and Pendleton labored on a revision of the state law code, but only a part of their code was adopted. A revised criminal code was not fully enacted until the 1790's. Jefferson made little headway on his plans for public education.

There is no evidence that Virginians were concerned that the convention had written a constitution without their direct approval. The Constitution of 1776 remained in effect until 1830. Virginians developed great pride concerning the work of this revolutionary convention. Here a group of the richest and best men in the colony had initiated revolution, articulated a philosophy for revolution, and established a frame of government which were to be widely imitated throughout the country and adopted in part in France.

Out of this transformation of the English constitution into a government for the Commonwealth of Virginia men like Jefferson, Henry, Mason, and even the more conservative Bland and Pendleton had produced a truly radical doctrine of popular sovereignty, an appeal to a higher law—the law of nature and Nature's God, the replacement of virtual representation with direct representation, and the substitution of a balance of interests within the Virginia society for the old English theory of a balanced government comprising crown, nobility, and commons in restraint of each other.

In the words of historian Bailyn, they had worked "a substantial alteration in the order of society as it was known" in 1775. They had unloosened a "contagion of liberty" which could not be restrained.[37] Ultimately Virginians and Americans came to believe the rhetoric of the Declaration of Rights and the Declaration of Independence when they read the words "all men are created equal" to mean "all persons." If it is something of an anomaly that the men who wrote these words were slaveholders, it is no anomaly that these words came to be accepted as "self-evident truths" when later generations applied these truths to the rights of man, regardless of race, creed, color, religion, or national origin.

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[37] Bernard Bailyn, **Ideological Origins of the American Revolution** (Harvard University Press: Cambridge, Mass., 1962), ch. 4.

But that was a long way off. June-July 1776 was the beginning of a great experiment, not the finished product.

The British-Americans: The Virginia Loyalists

Jefferson was correct in stating that Virginians moved forward to war with greater unity and with fewer examples of Torism than any other colony. Robert Calhoon, historian of loyalism, notes Virginia Loyalists consisted "of a handful of Anglican clergymen, the members of a moribund Royal Council, and several hundred Scottish merchants, and were . . . not a very formidable coalition." This confirms the much older view of Isaac Harrell who characterized Virginia loyalists as small in number, not more than a few thousand, whose activities after the departure of Governor Dunmore were limited. Only in the Norfolk area, the Hobbs Hole region of Middlesex County, in Accomac County on the Eastern Shore, and in the isolated frontier area along the Monongahela River, claimed jointly by Pennsylvania and Virginia, were there enough loyalists to even suggest a majority of the population. "Of the 2,500 claims filed with British government for loyalist property lost during the Revolution, only 140 were from Virginia." Most of these 140 claims were made by British natives living in Virginia at the outbreak of the war. Only 13 were Virginians.

Except for the Dunmore raids in 1775-1776 and an abortive plot in 1776 by Dr. John Connolly in the Fort Pitt region there were no loyalist military operations in Virginia. Several hundred loyalists joined the royal army, a small number in comparison to most colonies. Most loyalists went to London or Glasgow. Except for William Byrd III and Attorney-General John Randolph, most native Virginia loyalists, including Richard Corbin, John Grymes, and Ralph Wormeley stayed quietly on their plantations.[38] Virginia's only nobleman, aging recluse, Thomas, Sixth Lord Fairfax, owner of the Northern Neck, 9,000 square miles of land, remained untouched at his hunting lodge in Frederick County.

In the early years there was a general appreciation of the difficulty some Virginians had experienced in breaking with England and swearing allegiance to a new nation. This switch was especially difficult for members of the governor's council and the Anglican clergy who had taken personal oaths of allegiance to the king, not a casual act in the 18th Century. Most of these men and women had been respected leaders in pre-Revolutionary Virginia, had many friends, brothers, and sons in the patriot camp, and took no direct action to support the British. Generally they were well treated.

As the war moved along, however, and the colonists suffered enormous losses in the winters of 1777 and 1778, sympathy decreased and demands for public declaration of allegiance to the patriot cause grew. Laws were passed providing for heavy taxation and then confiscation of loyalist properties. The fortunes of the war can almost be read in the evolution of loyalist laws. After the Battle of Great Bridge (1775) the convention allowed those who had borne arms against Virginia to take an oath of allegiance to the Committee of Safety. Most Norfolk area loyalists did. But when Dunmore persisted in raiding Virginia that spring, the convention, in May 1776, changed the law and declared those who aided the "enemy" subject to imprisonment and their property to seizure. In December 1776 the new

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[38] Robert M. Calhoon, **The Loyalists in Revolutionary America, 1760-1781** (Harcourt, Brace and Jovanovich: New York, 1973), 458. Isaac Harrell, **Loyalism in Virginia** (Duke University Press: Durham, North Carolina, 1926), 62-65.

General Assembly voted that those who joined the enemy or gave aid and comfort were to be arrested for treason. If guilty, they would be executed. Those guilty of adherence to the authority of the king (as opposed to those who refused to support the new government) were subject to heavy fines and imprisonment.

A major turning point occurred in 1777 when general patriot outcries against those not supporting the Revolutionary cause forced the assembly to pass a test oath. Washington and Jefferson were especially vocal on this point. Every male over 16 was required to renounce his allegiance to the king and to subscribe to a new oath of allegiance to Virginia. In 1778 those who refused to take the oath were subjected to double taxation; in 1779 the tax was tripled. In 1779 legal procedures for the sale of sequestered and confiscated property were established and sales begun, although these sales never brought the income expected to the financially hard pressed state.

A similar progression from toleration to harshness faced the merchants who had stayed in the colonies as well as those who had fled. The latter had much of their property confiscated and their ships seized. Those who stayed found there was no neutrality. The key issue here was debt payment. The assembly declared that the new Virginia paper money circulated was legal tender and must be accepted for both new and pre-war debts. Many Virginians took advantage of this opportunity to pay their debts in the inflated money, a move which caused many problems after the war when attempts were made to straighten out personal British accounts. There was no sympathy for those who protested the inequity of this action. Revolutions and civil wars seldom bring equity. The remarkable thing is that in Virginia the Revolution progressed with so little internal strife.[39]

The War at Home, 1776-1780

From the time Dunmore left in July 1776, until the British moved into Virginia again in 1779, Virginians fought the war for independence on the soils of the other colonies. Their main contributions were providing the men and material which all wars demand. When one considers the natural reluctance of colonials to serve outside their own boundaries, Virginia's record of men and supplies were good.

The demands on the Virginia economy were great. With much of the natural granary in Pennsylvania, New Jersey, and Long Island occupied by British forces and the middle state ports blockaded, pleas from Washington for Virginia meat and food supplies were constant. Munitions works at Westham (Richmond), Fredericksburg, and Fort Chiswell and naval shipyards at Gosport, South Quay, and Chickahominy River operated at full capacity. A major munitions magazine opened at Point of Fork on the James River in Fluvanna County, and small iron furnaces appeared throughout the Piedmont and in the Valley areas. In 1779 Virginia exports of food and grain outside the United States were halted and redirected to the needs of Congress. Everywhere Virginians began to spin and weave their own cloth. Simpler life styles became the order of the war.

The plainer way of life was not just a patriotic morale-builder. It was a necessity. The natural trade routes between the Chesapeake and Britain were closed and the tobacco trade was ruined. To finance the war the assembly taxed nearly everything which could be taxed. Many taxes were those which the Virginians had rejected when imposed by parliament, including legal papers and glass windows. The difference was the necessity or war and the source of the tax laws—the people's own elected representatives.

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[39] Harrell, **Loyalism in Virginia**, 66-96.

Taxes, alone, however have never financed a major war. As in the French and Indian War, Virginia issued paper money and floated state loans. Between 1776-1780 the state debt reached £26,000,000 and in the following two years nearly doubled. By 1779 loans and taxes were not enough and the assembly levied taxes on commodities as well as currency. Taxpayers had to make payments in grain, hemp, or tobacco rather than inflated paper money alone. Inflation set in. By 1780 coffee, when you could get it, sold for $20 per pound, shoes were $60 per pair, and better grades of cloth were bringing $200 a yard. The exchange rate of Virginia money to hard coins (specie) was 10-1 in 1778, 60-1 in early 1780, and then spiraled upwards to 150-1 in April 1780, 350-1 in July, and was going out of sight as Cornwallis' army ravaged the state. It never reached the ratio of 1,000-1 as did the Continental Congress currency, but the phrase "not worth a Continental" might equally have applied to Virginia money. Few of those who served Virginia and the new nation, whether as officers, footsoldiers, governors, judges, or clerks, did so without suffering substantial financial losses. In many cases they were never reimbursed even for actual expenses.[40] Unfortunately there were many who reaped profits by exploiting the situation.

There also were thousands who moved across the mountains to new lands in the Valley, southwestern Virginia, and Kentucky. In fact, Virginia had to head off an attempt by North Carolinians, headed by Richard Henderson, to detach Kentucky from Virginia. The state had to watch attempts by other states to claim Virginia lands in the Ohio country. To forestall these attempts Virginia took two steps. In 1776 the Assembly divided Fincastle County into three counties—Kentucky, Montgomery, and Washington and established local governments there; and she agreed to ratify the new Articles of Confederation only upon the condition that all other states agree to give up their claims to the Ohio country and that all new states created from those territories have the same rights and privileges as the original states. In so doing, Virginians, under the leadership of Jefferson, formulated a colonial policy for the western lands which assured equality for the new states, a most important guarantee that there would be no superior and inferior states in the new United States. All states would be equal.

It should be remembered that this was never a total war. Independence simply demanded that Washington, the Continental Congress, and the states keep an army in the field and a fleet on the seas until the British accepted the fact that they could not defeat the Americans or until they decided victory was not worth the cost. Whenever the call came, Virginians poured forth in sufficient numbers and with sufficient supplies in the crucial days of 1777-1778 and 1780-1781 to prevent defeat. And in 1781 they were there in enough numbers to insure victory at Yorktown.

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[40] For a good description of the economic impact of the war on one dedicated Virginian, read Emory Evans, **Thomas Nelson of Yorktown, Revolutionary Virginian** (University Press of Virginia: Charlottesville, Virginia, 1975), 65-123.

Part V:

The War for Independence

Virginia's participation in the Revolutionary War military operations developed in seven stages: (1) the initial conflict with Lord Dunmore in the Norfolk and Chesapeake areas in 1775-1776; (2) the thousands of Virginians who joined the Continental Army and campaigned throughout the country; (3) the bloody Cherokee war in the southwest from 1775-1782; (4) George Rogers Clark's audacious and spectacular victory in the Northwest; (5) the British invasion and ravaging of Virginia throughout 1780-1781; (6) the southern campaigns of Generals Gates and Greene in 1780 and 1781; and (7) the final victory at Yorktown in the fall of 1781.[41]

Virginians and the Continental Army, 1775-1779

The decision to make George Washington commander-in-chief of the Continental armies was undoubtedly a political act meant to bind the southern colonies to the war and to blunt charges that this was a New England revolution. Seldom has a political decision borne greater positive benefits. Washington is an enigma and he always will remain so to his countrymen. His greatness as a man and as a commander is difficult to fathom. The contradictions are best summarized by military historian John Alden:

> Faults have been, and can be, found in Washington as commander. He did not have the advantages of a good military education. He did not know, and he never quite learned, how to discipline and to drill his men. He was not a consistently brilliant strategist or tactician. . . . (Often) he secured advantage . . . by avoiding battle. Actually he was quite willing to fight when the odds were not too heavily against him. He retreated only when he was compelled to do so, during the campaigns of 1776 and 1777. . . . On occasion he was perhaps too venturesome. His generalship improved as the war continued. However, his defeats in the field were more numerous than his victories; and he had to share the laurels of his great triumph at Yorktown, with the French. If Washington had his

"He has abdicated government here . . ."

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[41] The best general survey of the war is by John Alden, **A History of the American Revolution** (Knopf: New York, 1969). The best detailed account is by Christopher Ward, **The War of the Revolution**, 2 vols. (MacMillan: New York, 1952). Both have been utilized in this section.

> shortcomings as a tactician, he nevertheless performed superbly under the most difficult conditions. He gave dignity, steadfast loyalty, and indomitable courage to the American cause. . . . Indeed Congress supplied historians with convincing evidence of Washington's greatness. It not only appointed him as commander in chief, but maintained him in that post year after year, in victory and defeat, in prosperity and adversity, until the war was won.[42]

At first Congress was not certain Washington could command and eagerly sought European officers for field command positions. Charles Lee and Horatio Gates, two of the four major-generals appointed to serve under Washington, were residents of Virginia. Both were English army officers who had left the British army, settled in Berkeley County, and become ardent advocates of the colonials' cause. Lee, the well-bred son of English gentry had served under Braddock in the ill-fated Fort Duquesne expedition of 1756, was later wounded, left the army after the war, and became interested in western land schemes. He came to Virginia in 1775 after a stint as a general in the Polish army. Lee was courageous, ambitious, and vain. He could command when necessary, but had difficulty following Washington's orders. Given credit for stopping the British attack on Charleston, South Carolina, in June 1776, he came back north and was captured in New Jersey in December 1776. Exchanged by the British, he resumed command in 1778. However, his scandalous behavior at Monmouth in June 1778 resulted in his court martial. He was finally dismissed from the service by Congress in 1780.

Gates was the son of an English servant. Somehow he received a regular army commission, serving in the colonies during the French and Indian War. He resigned as a major in 1772 and moved to Virginia. Whereas Lee was haughty, Gates was pleasant and amiable. He also was ambitious and constantly sought military commands whose demands exceeded his talents. Commander of the northern army which won the great victory at Saratoga in 1777, Gates was willing to take over as commander in chief in the dark days of 1777-1778, but his friends in Congress could not displace Washington. Over Washington's recommendation, Congress elected him commander of the southern armies in 1780. He left that command after the blundering defeat at Camden, South Carolina, in August 1780. Gates retired to Virginia where he lived to an old age, much honored as an Englishman who loyally supported independence.

The English generals from Virginia did not give Washington his eventual victories, however. His command strength came from Virginians who learned by experience, were devoted to the Revolutionary cause, and were loyal to the general. They were with the Continental Army in its darkest days at Morristown in the winter of 1776-1777 and Valley Forge in 1777-1778. These included Colonel Theodorick Bland and his cavalry who fought at Brandywine in 1777 and Charleston in 1780; General William Woodford, the victor at Great Bridge, who commanded Virginia Continentals fighting at Brandywine and Germantown in 1777 and Monmouth in 1778, was captured at Charleston in 1780 and died in a New York prison that December; Colonel William Washington and his cavalry who fought in nearly all the battles in southern campaigns; Colonel Peter Muhlenberg, who raised the German Regiment from the Valley and Piedmont around his Woodstock home and commanded it with distinction at Brandywine, Germantown, Monmouth, and Stony Point, and later led Virginia militia against Cornwallis in 1781; and the gallant Colonel Edward Porterfield, who died with many of his troops, called "Porterfield's Virginians" at Camden.

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[42] Alden, **American Revolution**, 183-184.

There also was a distinguished group of young men like John Marshall, James Monroe, and Henry "Light Horse Harry" Lee who achieved distinction and displayed loyalty to the national cause which they never surrendered. The percentage of Virginians who fought in the Continental Army and who supported the stronger national government of the Federal Constitution was high. These were men who experienced and remembered the embarrassments and inadequacies of a weak national government during the Revolution. They did not want to see the experience repeated.

Perhaps the best Virginia field general and the prototype of the inventive, untrained American general was Daniel Morgan. A wagon master from Frederick County, Morgan had fought in the French and Indian War. He raised the first unit of Virginia Continentals, a company of Valley riflemen, and took them to Boston in 1775. He and his men fought brilliantly in the near victory of General Richard Montgomery at Quebec on Christmas 1775. Captured along with the equally bold Benedict Arnold, Morgan was exchanged. Developing effectively the Virginia riflemen into mobile light infantry units and merging frontier tactics with formal warfare, Morgan showed a real flare for commanding small units of men. His greatest moments were at Saratoga in 1777 and later in his total victory over Colonel Banastre Tarleton at Cowpens, South Carolina in 1781. The wagon master progressed steadily from captain to colonel, to general, and became one of the genuine heroes of the Revolution.

The total number of Virginians who fought in the Continental Army is difficult to determine. Records were poor, lengthy service infrequent, and troop strength constantly overestimated. There were possibly 25,000 Virginians in the Continental Army at one time or another, although the number in the field at any one time was much smaller. Another 30,000 to 35,000 might have joined the Virginia militia. In an era when European armies went into winter quarters and did not fight at all, the unorthodox Continental Army won some of its greatest victories in the dead of winter, yet it too tended to suffer from winter desertions and unauthorized leaves. Still the shriveled army always seemed to revive in the spring as the men returned to the ranks.

Troops, even continental units, tended to serve near home. Northern troops were rarely found in the deep southern colonies and vice versa. Yet Virginians, because of their proximity to all fighting zones, fought from Quebec to Charleston, contributing heavily to the units fighting to hold the middle states in 1777 and 1778 and the Carolinas in 1780 and 1781.

The Indian Wars

The Revolution reopened the long series of Indian wars along the western frontiers. Encouraged and financed by the same British agents who had once acted in behalf of the former colonists, the Cherokees and Shawnees, particularly, seized upon the unsettled conditions to strike back at the steadily advancing waves of settlers moving southwestward along the Clinch, Holston, French Broad, and Watauga Rivers. Throughout 1775 and 1776 Virginian, North Carolinian, and Georgian frontiersmen fought the Cherokee in a series of bloody battles. The culminating attack by 2,000 riflemen under Colonel William Christian destroyed the major Cherokee villages and compelled the Cherokees to sign "humiliating" treaties with the southern states in 1777. The determined Cherokee chieftain, Dragging

Canoe, moved westward, regrouped his warriors at Chickamauga, and launched another series of frontier raids. North Carolina and Virginia riflemen under Colonel Evan Shelby in 1779 and Colonel Arthur Campbell in 1781 battled the undaunted Cherokees. Finally, in 1782, the Indians yielded their territory to the frontiersmen. Little noticed, this series of battles involved a high percentage of the western Virginians in nearly constant battle readiness.

George Rogers Clark and the Winning of the West

In the Kentucky, Ohio, and Illinois country the Revolution was a continuation of the long series of bloody battles, ambushes, and deceptions which the Indians and whites had been perpetrating against each other since the settlers had pushed over the mountains in the early 1770's. The British had merely replaced the French as the European ally of the Indians. The principal opponents were the tough, well-organized Shawnees who had been the main targets of Dunmore and Colonel Andrew Lewis during Dunmore's War in 1774. The Shawnees were joined by the Miami, Delaware, and Ottawa Indians. These Ohio Indians needed little encouragement from Lieutenant Colonel Henry Hamilton, the British commander at Fort Detroit. Amply supplied with munitions, guns, and money for patriot scalps received from Hamilton, known among the frontiersmen as the "Hair Buyer," these Indians swarmed across the Ohio River in 1775, 1776, and 1777. No quarter was asked by either side; none was given. Conditions became especially critical in 1777 when the Indians were angered and embittered by the foolish and senseless murder of Cornstalk, the captured chief of the Shawnees.

Complicating any military solution to the western fighting were the old rivalries among the states for control of the western lands. Virginia had to establish county government in Kentucky in order to head off North Carolinian Richard Henderson's bid for that region in 1776. Pennsylvanians and Virginians still quarrelled over Pittsburgh and the Upper Ohio. Aid from the Continental Congress was obstructed by the claims of at least four states to Ohio and the jealousy of the landless states toward the landed states.

Then in 1777 a 23 year-old Virginian, George Rogers Clark, found the solution. Virginia should go it alone, raise and equip a small army of riflemen, and in a lightening move take the Indiana and Illinois region from the British. Clark reasoned that the British were trying to hold a vast tract of land with a few troops, a handful of Tories, and the Indians. The British posts at Kaskaskia, on the Mississippi, and Vincennes, on the Wabash, were former French forts manned by men with no allegiance to Britain. Clark's enthusiasm convinced Governor Henry and the Council of State that victory was possible if the operation was conducted secretly. Support from George Mason, Thomas Jefferson, and George Wythe was solicited and gained. The assembly, without knowing the purpose for the authorization, gave Clark permission to raise troops and released the needed gunpowder.

In June 1778 Clark with 175 riflemen, far short of his hoped-for complement, set out from the Falls of the Ohio (Louisville). The small number can be attributed to the fact that the men, like the assembly, had to sign-on without knowing their destiny. A few slipped away after they learned Clark's true plans. Those who stayed were dedicated warriors. On July 4, after floating down the Ohio, Clark's men appeared outside Kaskaskia. The fort surrendered without a shot being fired. As Clark suspected, the French inhabitants welcomed the Americans. On July 6 another former French town, Cahokia, 60 miles northward, capitulated. And on July 14 Frenchmen from Kaskaskia persuaded their fellow countrymen at Fort Sackville in Vincennes to surrender. On August 1 Clark occupied the fort.

Clark's plan had worked to perfection. But he was now faced with the same problem which had enabled him to seize the region—he could not hold three forts scattered over several hundred miles (Vincennes is 180 miles east of Kaskaskia). Therefore, when Governor Hamilton moved south from Detroit in December with his own make-shift army, Clark's men had to abandon Vincennes and flee west to Kaskaskia. All seemed lost.

Again the refusal of the Americans to follow European military conventions paid off. Clark, ignoring the tradition to go into winter quarters took Vincennes in the dead of winter with less than 130 men, many of them French. It was the most remarkable single military feat of the Revolution. Only men who had lived in the frontier wilderness could have endured the march. Despite wading waist-deep through flooding rivers and swamps in freezing February snowstorms, going days without warm food, poorly clothed, and carrying only the minimum supply of gunpowder and shot, Clark and his men reached Vincennes determined to fight. Learning that he had arrived undetected by the British, Clark ordered great bonfires lit, both to warm his frozen men and to deceive Hamilton. Watching dancing shadows of seemingly countless men whooping and shouting in front of the fires, Hamilton concluded he was hopelessly outnumbered. The next morning, February 24, 1779, the bold Clark demanded Hamilton's surrender. At first the governor refused, but a series of well placed rifle shots took the fight out of the defenders. Then Clark ordered several Indians, caught in the act of taking scalps into the fort, tomahawked in full view of the fort. Hamilton agreed to surrender. Clark sent Hamilton under heavy guard to Virginia, passing through the Kentucky settlements his Indians had harassed. Ignoring protests from the British, Governor Jefferson refused to exchange Hamilton, keeping him in irons in the Williamsburg jail until November 1780 when the prisoner finally agreed to sign a parole not to fight against the Americans or to go among the Indians.[43] Clark was treated shamefully by the Virginia Assembly after the war and was never fully reimbursed for his personal expenses in the west.

For Clark the capture of Vincennes was to be a prelude to taking Detroit. In both 1779 and 1780 he planned marches to the center of British western power. Neither time could he bring off a coordinated attack. The frontier was under too heavy pressure from the Ohio Indians led by Tory Henry Bird and the infamous renegade, Simon Girty. Instead, Clark concentrated on Indians closer to Kentucky. In August 1780 with 1,000 riflemen he destroyed the principal Shawnee towns of Chillocothe and Piqua, but could not break the Shawnee strength. The invasion of eastern Virginia in 1781 ended hopes for the Detroit project, drew men from the west, and opened the way for the Ohio Indians to go on the offensive. Bitter fighting continued in the west after Yorktown. Clark's troops finally broke the Shawnees in November 1782 when they again leveled Chillocothe and Piqua. Hostilities and the British presence in the Northwest Territory remained a contentious issue until after the War of 1812.

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[43] For a dramatic, but not inaccurate, account of the expedition and Clark, read John Bakeless, **Background to Glory: The Story of George Rogers Clark** (Lippincott: Philadelphia, 1957.

The War and Eastern Virginia, 1776-1779

Initial British war strategy did not call for a direct attack on the Chesapeake states. They were too hard to hold once conquered. There were no towns to occupy, no natural defense positions, too many rivers to cross, too little to be gained in comparison to New York, Philadelphia, or Charleston. Furthermore, there was no sizeable loyalist population to rise up and assist the British as in the Carolinas and the middle states.

The war effort was men, material, and money. Under Governor Henry the executive branch functioned reasonably well. There were no emergencies, no need for quick decisions which only the executive can make, and little sapping of morale which a long, inconclusive war can bring. Still, Henry recognized the restrictions placed on the governor, whom he called a "mere phantom." Fortunately for him, he left office in June 1779 before the inherent weakness of the executive branch became apparent. Jefferson was not to be so fortunate. From time to time in the administrations of Henry, Jefferson, and Thomas Nelson, Jr., persons talked of making the governor a "dictator" (in the Roman use of this word, not the modern connotation). These were mostly speculative discussions, not serious attempts to change the government. Only in the dire crises of Summer 1781 was it even a remote possibility.

The most direct threat to Virginia in these early years was on the seas. To meet that threat Virginia established a state navy in 1776. Eventually the Virginia navy had "72 vessels of all classes, including many ships, brigs, and schooners; but apparently most of them were small, poorly manned, and lightly armed; and were used largely for commerce." [44] Never intended to meet the British fleet in combat, the Virginia navy did succeed in establishing regular patrols, clearing the Bay of privateers, and protecting merchantmen trading in the West Indies.

By January 1779 the British army came into Piedmont Virginia in a totally unexpected manner. Congress declared the "convention" (treaty of surrender) by which Burgoyne had surrendered his troops at Saratoga to be faulty and ordered some 4,000 Hessian and British soldiers imprisoned in Albemarle County. Settled along Ivy Creek, the prisoners, mostly Germans, lived in hastily built huts generously called "The Barracks." Several of their chief officers, among them Baron de Riedesel and General William Phillips, lived in comfort and close contact with their near neighbor, Governor Jefferson. Phillips was shortly exchanged and went to New York. The conditions under which the troops lived steadily deteriorated, although the prisoners were so inadequately guarded that hundreds walked away. In November 1780 Governor Jefferson concluded that the convention troops should be moved from Virginia to get them away from invading British troops. The British troops moved first toward Frederick, Maryland, with the Hessians following. Again many of the prisoners drifted off into the forests never reaching Frederick.

Black Virginians in the Revolution

One particularly difficult question for the government was whether to utilize the black population in the military. Only a few thousand of the nearly 230,000 black residents were free men. The remainder were slaves. There was a constant fear that arming free blacks would incite their slave brethren to revolt. This fear was strongest in 1775-1776 when Dunmore had encouraged slaves to flee their masters and join his troops. Although Dunmore's black troops numbered only several hundred nearly 10,000 slaves fled Virginia during the war. Most did not better their lot, ending up as slaves in the West Indies. Many did get to Nova Scotia where they lived as free men in the large loyalist colony there. Others settled in the British West African colony of Sierra Leone.

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[44] Gardner W. Allen, **A Naval History of the American Revolution** (Boston, 1913), I, 40-41.

Negro troops were present at Lexington, Concord, Bunker Hill, and in the ranks of Washington's first Continentals. Quickly, however, under pressure from southern colonies, notably South Carolina, Congress adopted a policy of excluding blacks from further enlistment in the Continental Army. Although most states excluded slaves from service, they did not exclude free blacks from enlisting in the militia. Virginia allowed free blacks to enlist after July 1775. This enticed slaves to run away and enlist as free blacks, a practice the assembly tried to halt by requiring all black enlistees to have certificates of freedom. Then an odd reversal occurred after 1779 when the state began to conscript white males into the militia. Taking advantage of the provision in the draft law allowing draftees to send substitutes, some slave owners offered their slaves as substitutes. This was as far as the enlistment of slaves went. James Madison proposed in 1780 that the state purchase slaves, free them, and make them soldiers. The legislature rejected the plan. On the other hand, the state did buy some slaves to work in shipyards, on shipboard, and in state-run factories.[45]

The actual number of black Virginians in the service is unknown. Historians Luther Jackson and Benjamin Quarles suggest there were several hundred in the army and at least 140 in the small Virginia navy. Usually these men were orderlies, drummers, and support troops. In the navy they frequently served as river pilots. There were exceptions like freeman John Banks of Goochland, who fought as a cavalryman under Colonel Bland for two years, the well-known spy James Lafayette, who performed invaluable work for Lafayette in the closing days of the war, or John de Baptist, a sailor who served with distinction on the **Dragon.**

Peace did not bring freedom for the slaves in the services. The state-owned slaves were resold. Free men who had enlisted in the service were entitled to and did receive enlistment and pay bounties due all soldiers. Slaves whose masters had offered them as substitutes had a more difficult time. Some slave owners tried to reclaim them as slaves even though the Virginia law explicitly permitted the enlistment only of free men. Fortunately, Governor Benjamin Harrison was enraged by this duplicity at what he called a repudiation of the "common principles of justice and humanity" and prevailed upon the legislature "to pass an act giving to these unhappy creatures that liberty which they have been in some measure instrumental in securing for us."

Nevertheless, although white Virginians recognized the contradiction between that liberty which they enjoyed and the slavery which existed around them, they did not see a means whereby the ideal that all men were created equal could become a practical reality. Unlike later generations, however, the Revolutionary generation made no attempt to justify slavery or to accept its extension. In 1778 Virginia became the first state to prohibit the importation of slaves, and in 1782 passed a liberal manumission law permitting masters to free their slaves without special legislative act. Many took advantage of this law. Virginia also determined that there should be no slavery in the western lands ceded to the federal government. Jefferson saw to it that a prohibition against slavery was written into the federal Land Ordinance of 1784 and the Northwest Ordinance of 1787. Yet, what was earlier noted bears repeating—the principles set forth in the Declaration of Independence were the beginning of a great governmental experiment, not the finished product.

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[45] For a fuller discussion of black Virginians in the Revolution, see Luther P. Jackson, **Virginia Negro Soldiers and Sailors in the Revolutionary War** (Norfolk, 1944), and Benjamin Quarles, **The Negro in the American Revolution** (University of North Carolina Press: Chapel Hill, North Carolina, 1961).

The British Move South, 1780-1781

The British shifted their armies southward in 1779, hoping to cut off the lower southern states, break the morale of the rest of America, and force a negotiated peace. Their principal hopes rested on exploiting loyalist strength in the fiercely divided Carolinas where much of the fighting since 1775 had been colonial against colonial, patriot against Tory. In early 1780 General Henry Clinton sailed from New York with 8,000 troops, outmaneuvered General Benjamin Lincoln, and captured Charleston. The defeat was a severe blow to the Americans costing them their chief southern seaport, several thousand Continentals and militiamen from the Carolinas and Virginia, and Generals Lincoln and William Woodford.

Clinton sailed back to New York, leaving his troops with Lord Cornwallis. The most daring of the British generals, Cornwallis decided to leave Charleston and invade the Carolinas. With excellent support from Colonel Banastre Tarleton, Lord Rawdon, and Major Patrick Ferguson he swept all before him. Tarleton, the best cavalry officer in either army, and Ferguson led partisan loyalist units. Tarleton's troopers, known as the British Tory Legion, needed no introduction to Virginians. They had slaughtered without quarter unarmed Virginians under Colonel Abraham Buford in May 1780 at the Waxhaws, south of Charlotte, North Carolina. From then on he was known as "Bloody Tarleton."

Congress elected Horatio Gates to replace Lincoln in the southern command. Gates hurried south with several thousand Maryland, Virginia, and North Carolina militiamen and Continental troops. Stumbling into Cornwallis' army at Camden, South Carolina, he planned and executed a faulty battle plan. Cornwallis executed perfectly and completely routed Gates. For the only time in the war Virginia militiamen behaved badly, fled the field, and were a major contributing factor to the disaster. Not only did Gates lose 600 men, many of them battle-hardened Continentals, he lost two outstanding officers, General Jean de Kalb, the tough German officer, and Colonel Edward Porterfield from Virginia. Facing almost sure defeat in the Carolinas, Congress replaced Gates with Nathanael Greene of Rhode Island, taking care not to embarrass the Englishman who had given so much to Patriot cause.

Greene turned out to be the man to baffle Cornwallis. With a constantly underequipped and often inadequate army he managed to keep Cornwallis at bay. He was moved by one desire—to force Cornwallis into costly battles, but never expose his whole army to capture. Flee if necessary, but be able to fight another day. He was inventive and unorthodox. With an army much smaller than Cornwallis' he divided it into thirds, plus compelling Cornwallis to divide his own army. Greene knew that Cornwallis, victorious as he might have been, was detached from Charleston and had to live off the land. He would fight a war of attrition and wear Cornwallis down. His strategy worked, although not without fateful moments. He had great faith in his command officers and gave them considerable leeway. They rewarded him with two stunning victories—King's Mountain, North Carolina in October 1780 and Cowpens, South Carolina in January 1781.

King's Mountain was a unique battle for it was fought almost completely between Americans, Major Ferguson and his South Carolina, New York, and New Jersey Tories on the British side and North Carolina and Virginia frontier riflemen under Colonels Isaac Shelby, fiery William Campbell, and John Sevier for the United States. Although Ferguson's position from the outset was nearly impossible, he refused to surrender, knowing what was in store if he did. He was correct. The hatred which only the Carolina civil war unleashed during the Revolution burst forth. Only the intervention of Shelby and Campbell kept the frontiersmen from annihilating Ferguson's Tories. As it was, the British lost 1,000 men, 700 of them captives. Ferguson was killed.

Cowpens was a personal victory for General Daniel Morgan who felt he had been slighted by congress. Greene gave him a full command and sent him off to find Tarleton. He found him at Cowpens, not too far from King's Mountain. Morgan utilized his riflemen, light infantry, and cavalry and Continental regulars in an unconventional manner. He thoroughly whipped Tarleton, who up until that time had been invincible. Morgan's men killed 100 British, captured 800, and seized Tarleton's entire supply train.

The combination of King's Mountain and Cowpens completely disrupted Cornwallis' plan and led him into the series of mistakes which ended at Yorktown.[46]

Even when he suffered defeat or a stalemate, as he did at Guilford Courthouse (Greensboro, North Carolina) in March 1781, Greene made Cornwallis pay such a heavy price that the British general could not afford the cost of victory. Wandering aimlessly after Greene across North Carolina and unable to live off the barren countryside, Cornwallis retreated eastward to Wilmington. There in the spring of 1781, with only 1400 of his original 3,000 troops left, he decided to move north and join Benedict Arnold's troops who had invaded Virginia on December 30, 1781.

The Invasion of Virginia, 1781

Three times before the British had appeared in the Chesapeake. In 1777 Admiral Howe sent a fleet into the upper Bay to assist the grand attack which was to take New York and Philadelphia simultaneously. He had withdrawn without contact after Burgoyne's defeat at Saratoga ruined the scheme.

Admiral George Collier swept into Hampton Roads in May 1779, burned the shipyard at Gosport, captured 130 ships, occupied Portsmouth, and raided the countryside, doing $2,000,000 damage. Before he could be challenged by General Thomas Nelson, Jr., and the Virginia militia he was gone. One consequence of the raid was the loss of all future loyalist support for the British. At Collier's arrival, the numerous Norfolk-Portsmouth loyalists came out from under cover, only to be abandoned when the British left after a few days. They never ventured forth again.

In October 1780 General Alexander Leslie descended upon Hampton Roads with a substantial British force, fully intending to take Virginia out of the war in coordination with Cornwallis' march through the Carolinas. King's Mountain ended that plan. Needing reenforcements, Cornwallis called Leslie southward. Again the British left the state.

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[46] Ward, **American Revolution**, II, 792.

Although Virginia breathed a sigh of relief, she was in a most difficult position at the end of 1780. Her military resources were stretched to the limit. Governor Jefferson had tried simultaneously to meet calls for troops from Washington to the north and Greene to the south, while never overlooking Clark to the west. Although roundly criticized for stripping Virginia to aid other states, Jefferson well understood the crucial nature of Greene's campaign. The only reserves he had left were militiamen.

Of the estimated 55,000 to 60,000 Virginians who fought at some time during the Revolution, as many as 35,000 were militia. Many were short-term soldiers, fighting only three to six months at a time. Often they were unprepared and untrained, not used to disciplined fighting, good marksmen, but unskilled in the use of the bayonet. Often, and unnecessarily disparaged, the militia was the backbone of the patriot armies, appearing when needed, disbanding as soon as danger passed. In Virginia they had been called out in 1777, in 1779, for a false rumor in June 1780, and to meet Leslie in October 1780. In each case the enemy disappeared. These British cat-and-mouse appearances may have lulled the Virginians and Jefferson into a false sense of security, for the state was unprepared for the real invasion Washington had warned was coming.

On December 30, 1780, Benedict Arnold, seeking the glory in the British army he thought had been denied him by the Americans, sailed into the Chesapeake with a small, well-disciplined British army. Whatever might be said about Arnold's political ethics, few have criticized his command performance with small forces. He was initially aided in Virginia by Jefferson's caution which left Nelson's militia only half-mobilized. The only other force was a small Continental regiment under Steuben.

Arnold sailed up the James to Westover, the estate of Tory William Byrd III. From there he moved unopposed to Richmond, the official state capital since April 1780. Throughout January 5 and 6 his men burned the state buildings, destroyed the iron and powder factory at Westham, and seized or burned all available state records. Knowing he could not hold Richmond, Arnold returned to Portsmouth and went into winter quarters.

Recognizing the danger Arnold posed, Washington sent Lafayette south from New York with 1,200 New England and New Jersey Continentals. Even after joining his troops with the Virginia militia of Nelson, Muhlenberg, and George Weedon, he could do little more than watch Arnold. Arnold had already sent General William Phillips, the former prisoner of war in Charlottesville, against Petersburg. Meeting little opposition from the Virginia militia as he destroyed tobacco and supplies in the town on April 24, Phillips went into Chesterfield county, burning militia barracks and supplies.

At the same time Arnold was burning more than 20 ships in the James below Richmond.

Everything seemed to go wrong. The French fleet sent from Newport to block Arnold at Portsmouth was routed by a British fleet off the Capes and went back to Rhode Island. The British forces ravaged at will the Virginia countryside along the James and Appomattox Rivers. Then Arnold was joined on May 20 by Cornwallis who had marched northward from Wilmington to meet him at Petersburg. There were now 7,200 British troops in Virginia. Facing them was the young Marquis de Lafayette with 3,200 soldiers, 2,000 of them inexperienced Virginia militia. Total collapse of Virginia seemed imminent.

Artfully, Lafayette kept his smaller army intact, moving westward along the South Anna River, then northward over the Rapidan west of Fredericksburg. There he was joined by General Anthony Wayne and his Pennsylvanians. Cornwallis followed but could not draw Lafayette or Wayne into battle. So he settled down at Elk Hill, the estate of Mrs. Jefferson's father in Cumberland County. From there he sent Major John Simcoe on a raid against General Steuben and the major munitions center at Point of Fork on the James. At first Simcoe was unsuccessful; then he tricked Steuben into withdrawing to the west, needlessly abandoning the munitions.

At the same time Cornwallis ordered Tarleton to leave Lafayette in Hanover County, take his cavalry, dash to Charlottesville, break up the assembly then meeting there, and capture Jefferson. By hard riding on the nights of June 3 and 4 Tarleton nearly made it to Charlottesville undetected. But he stopped at Cuckoo Tavern in Louisa County, where he was spotted by militia Captain John Jouett, Jr. Guessing Tarleton's mission, Jack Jouett rode madly through the night over the back roads he knew well, and beat Tarleton's men to town. At Jouett's warning most of the legislators fled over the Blue Ridge to Staunton, while Governor Jefferson left Monticello southward to his summer home at Poplar Forest, Bedford County. Seven members of the assembly, one of whom was Daniel Boone, delegate from Kentucky County, were captured. Unable to take them with him, Tarleton paroled them.

This was the low point of Jefferson's public career. His term had ended officially on June 3 and since he had not intended to stand for reelection, he did not go to Staunton. Some disgruntled delegates wanted him censured. Instead a formal investigation in December 1781 ended with the senate and house presenting him with a unanimous vote of commendation.

The assembly elected Thomas Nelson, Jr., radical patriot, wealthy merchant from Yorktown, and commander of the Virginia militia, to be governor. Nelson served only five months, compelled by ill health to resign in December. In those five months Virginia went from the depths of despair to the glories of Yorktown. Nelson was succeeded by Benjamin Harrison, one of the signers of the Declaration of Independence.

On June 15 Cornwallis left his camp at Elk Hill, sacking the plantation as he departed. He moved eastward toward the coast where he could better coordinate his movements with those of Clinton in New York. Clinton was under heavy pressure from Washington and French General Rochambeau. Heading for Williamsburg, Cornwallis plundered the countryside as he went. Reaching Williamsburg, he received orders from Clinton to send 3,000 men to New York. Leaving Williamsburg for his ships at Portsmouth, he maneuvered Lafayette and Wayne into a reckless battle near Jamestown on July 6. Beating Wayne badly, Cornwallis had Lafayette at his mercy, but could not follow up for a complete victory.

At this point indecision by Clinton, commander-in-chief of the British army, caused a fatal error. He had ordered Cornwallis to send the men to New York; then he countermanded that order and wanted them shipped to Philadelphia; then to New York again. Finally learning that Admiral de Grasse with a major French fleet had left France for America, he suggested Cornwallis move across the James from Portsmouth and find a suitable site on the peninsula for both an army and the British fleet. He suggested Old Point Comfort. His proposal was examined by Cornwallis and rejected as undefendable. Cornwallis settled on Yorktown with its high bluff and good port.

Yorktown, September-October, 1781

The news that Admiral de Grasse and the French fleet had cleared France presented Washington with an opportunity he had to exploit. Washington and Rochambeau took counsel and concluded an assault on Clinton in New York was not a certain success. Cornwallis was a better bet. They decided to leave Clinton in New York believing he was about to be attacked by a large army and move quickly southward to Virginia. Coordinating their arrival with that of de Grasse in the Chesapeake, they would snare Cornwallis at Yorktown.

For once in the war a grand American plan went off without a hitch. Washington and Rochambeau left New York on August 21, getting away without detection by Clinton. Simultaneously Lafayette moved his troops south of Cornwallis to block an escape into the Carolinas. On August 30 de Grasse with his great fleet of 24 major ships, 1,700 guns, 19,000 seamen, and 3,000 troops reached the Capes. He had disembarked his troops before a smaller British fleet arrived to challenge him. On September 5 the French fleet drove the English back to New York. Cornwallis was trapped.

Carefully Washington, Rochambeau, and de Grasse plotted the seige of Yorktown. When the formal seige began on September 28, Washington had an army of nearly 16,000 men including 7,800 fresh, disciplined, and well-equipped French troops. The 8,800 Americans included 3,000 Virginia militia commanded by Governor Nelson and veteran Generals Weedon, Robert Lawson, and Edward Stevens. The bulk of Washington's Continentals were from Pennsylvania, New York, and New Jersey. Cornwallis had about 7,000 men, many of whom had been in the field since February, 1780.

At the beginning Cornwallis abandoned his weaker outer defenses, which Washington immediately turned into artillery battery positions. Once the seige began in earnest on October 6, the allied artillery pounded the British into submission. Parallel trenches were dug close to the British lines. On the night of October 14 a combined attack by Americans under Colonel Alexander Hamilton and the French took the two redoubts which were the keys to the sagging British defenses. On the 16th Cornwallis attempted to escape across the York River to Gloucester Point and then north to New York and Clinton. A sudden storm scattered his boats and barges. With that Cornwallis recognized the utter hopelessness of his position and on the

17th signalled Washington for terms of surrender. Washington replied that only complete surrender was acceptable. Cornwallis agreed. There was no choice. At 2 p.m. on October 19, 1781, Cornwallis' army of 7,247 stacked arms and surrendered to the Americans while a British regimental band played the now famous military march, "The World Turned Upside Down." Cornwallis, pleading illness was not present. He was later to go on to a distinguished career as governor-general of India.

Fighting went on spasmodically in the Carolinas and in the West for some time. But everyone knew the war was over. The British people no longer wanted to fight what had become a world war involving the Dutch, French, and Spanish, as well as the Americans. When he heard the news from Yorktown, Lord North suppcsedly cried out, "Oh God! It is all over."

And it was. On March 4, 1782, the House of Commons voted for peace. Commissioners for both sides meeting in Paris agreed on terms on November 30, 1782. The formal treaty was ratified on September 3, 1783. The United States of America existed in law as well as in fact.

What had begun as an attempt by Britain to balance her budget after the victorious French and Indian War ended with an independent United States. She also gave Florida back to the Spanish who returned Louisiana to the French. Perhaps wiser men than George Grenville and George III might have prevented the separation. Probably not. Thomas Paine put it so simply and so persuasively, "An Island was not meant to rule a continent."

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Appendix

A Chronology of Selected Events in Virginia 1763-1783*

May 10, 1763. After the news of the signing of the Peace of Paris on February 10, 1763, came to Virginia, the Virginia regiment was disbanded.

May 28, 1763. The defeat of the French in America introduced new stresses and strains in the British Empire. Differences between the colonies and Mother Country began to appear immediately and with increasing frequency and intensity. The Bland Report of 1763 made to the House of Burgesses revealed one point of conflict between the two. Virginia had in part financed her contribution to the recent war by issuing paper money backed by taxation. The British merchants, creditors of the colonial planters, feared inflation and were bitterly attacking the policy of printing paper money in the colonies. Defending Virginia's actions, the Bland Report presented the American argument for paper money. The British merchants carried the day to their own hurt by securing an Act of Parliament in 1764 forbidding the future issue of paper currency in the colonies.

October 7, 1763. Another cause for colonial resentment at war's end was the King's proclamation closing the trans-Allegheny west to settlement.

December, 1763. One consequence of the Parsons' Causes was the sudden emergence of young Patrick Henry on the political scene. When the court of Hanover county decided in favor of Reverend James Maury, the defendants called on Henry to plead their cause before the jury which was to fix the amount of damages. By appealing to the anti-clerical and even lawless instincts of the jury and by doing it with unmatched oratorical skill, Patrick Henry won the jury to his side and made himself a popular hero in upcountry Virginia.

October 30, 1764. Many Burgesses arrived early for the October-December session of the General Assembly "in a flame" over the Act of Parliament proposing a Stamp tax on the American colonists. The committee of correspondence had been busy during the summer communicating with the agent in London, and the Burgesses were ready to take action against the proposed tax.

December 17, 1764. The House of Burgesses and the Council agreed upon an address to the Crown and upon memorials to the House of Commons and to the House of Lords. The three petitions stressed the sufferings such a tax would cause war-weary Virginians and also opposed the levy on constitutional grounds. They argued that the colonial charters and long usage gave the Virginia House of Burgesses the sole right to tax Virginians and that the fundamental constitution of Britain protected a man from being taxed without his consent. These arguments, elaborated and refined, were to be the heart of the colonial contentions in the turbulent days ahead.

May 29, 1765. The arguments of the Virginia Assembly went unheeded. On February 27, 1765, Parliament decreed that the stamp tax should go into effect on November 1. The General Assembly was in session when news of the passage of the Stamp Act came to Virginia, and on May 29 the House went into the committee of the whole to consider what steps it should take. Burgess Patrick Henry presented his famous resolutions which fixed at the outset the tenor of colonial opposition to the stamp tax. The House adopted by a close vote on the 30th five of Henry's seven resolutions, and all seven were given wide circulation throughout the colonies.

October 30, 1765. On the day before the stamp tax was to go into effect, George Mercer, the collector, arrived in Williamsburg with the stamps. Williamsburg was filled with people in town for the meeting of the General Court, and Governor Faquier had to intervene to protect Mercer from the insults of the mob. On November 1, the courts ceased to function and all public business came to a virtual halt.

February 8, 1766. Foreshadowing the judicial review of a later day, the Northampton county court declared the Stamp Act unconstitutional and consequently of no effect.

March 13, 1766. A number of the inhabitants of the town and environs of Norfolk assembled at the court house and formed the Sons of Liberty. The Sons of Liberty usually appeared hereafter at the forefront of any anti-British agitation in the colonies.

1766. Richard Bland published his famous **An Inquiry into the Rights of the British Colonies** in which he took a rather advanced constitutional position in opposition to parliamentary taxation of the American colonies.

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*The chronology of selected events in Virginia 1763-1783 was taken from William W. Abbot's publication entitled, A VIRGINIA CHRONOLOGY 1585-1783, "To pass away the time." Williamsburg, Virginia, 1957. Permission for use of this material has been granted by the publisher.

May 11, 1766. At the height of the Stamp Act crisis, the dominant group in the House of Burgesses was shaken by a scandal involving the long-time Speaker and Treasurer of the Colony, John Robinson, who died on this day leaving his accounts short by some 100,000 pounds.

June 9, 1766. Governor Fauquier announced by public proclamation the repeal of the Stamp Act (March 18, 1766). Although repeal brought a wave of reaction against the agitation of the past months and a strong upsurge of loyalty to Great Britain, the leaders of Virginia, and of the other colonies, had consciously or not moved to a new position in their view of the proper relationship between the Colony and the Mother Country. The failure of the rulers of Britain to appreciate and assess properly the changed temper of the colonists lost for them the American empire.

November 6, 1766. The General Assembly of 1766-1768 met: November 6-December 16, 1766 and adjourned to March 12- April 11, 1767, and then met in a final session, March 31-April 16, 1768.

January, 1768. The Virginia Gazette began to publish John Dickenson's letters from a "Pennsylvania Farmer." These letters did a great deal to clarify, in the minds of many, the American position with regard to the Parliamentary claim of the right of taxation in the colonies.

March 3, 1768. Governor Fauquier died.

March 31, 1768. News of the passage of the Townshend Acts and of the suspension of the New York legislature was already causing a wave of indignation in Virginia when the General Assembly met in March. Having taken under consideration the circular letter of the Massachusetts legislature opposing the Townshend Acts and various petitions to the same effect, the House of Burgesses prepared petitions to the Crown and to both Houses of Parliament, and on April 14 adopted all three unanimously. The House then sent word to the other colonial Assemblies of its action and congratulated the Massachusetts House "for their attention to American liberty."

August 12, 1768. In a move to strengthen the hand of the Virginia Governor and at the same time to couniliate the Colony, the King made Fauquier's replacement, Norborne Berkeley, Baron de Botetourt, Governor of Virginia in the place of Jeffrey Amherst. Not since the time of Governor Nicholson had the Governor himself come out to Virginia.

October 26, 1768. Lord Botetourt arrived in Williamsburg.

May 8, 1769. The Governor, Lord Botetourt, opened the first and only session of the General Assembly of 1769 (May 8-17) with a conciliatory speech; but, obviously unmoved, the House of Burgesses set about with remarkable unanimity to restate their position with regard to Parliamentary supremacy. The House also denounced the reported plan for transporting colonists accused of treason to England for trial. On May 16, the House adopted resolutions to this effect and then on the next day unanimously approved an address to the Crown.

May 17, 1769. The House resolutions of the 16th caused Lord Botetourt to dissolve the General Assembly. Dissolution blocked the planned adoption of George Mason's proposal for forming an association with the other colonies for the purpose of suspending the importation of British goods. But the Burgesses got around this by meeting in their private capacity at the house of Anthony Hays. This was a momentous step. The meeting made Speaker Peyton Randolph the moderator and appointed a committee to present a plan for association.

May 18, 1769. The Burgesses adopted the report of the committee calling for a boycott on English goods to force the repeal of the Townshend Acts and invited the other colonies to join the association.

November 7, 1769. The General Assembly of 1769-1771 met November 7-December 21, 1769, and adjourned to May 21-June 28, 1770; and then it met in a final session July 11-20, 1771.

In his speech to the Assembly on the first day of its meeting, Lord Botetourt pacified the Virginians momentarily with information from Lord Hillsborough that His Majesty's administration contemplated no new taxes in America and in fact intended the repeal of the Townshend Acts.

June 22, 1770. During the May-June session of the General Assembly, the gentlemen of the House of Burgesses joined with a large group of merchants to take action against the duty on tea retained when the Townshend Acts were repealed. The Burgesses and merchants formed a new association to replace the ineffective one of 1769. This time, committees in each county were to take proper steps to see that the terms of the association were abided by.

June 27, 1770. The members of the House of Burgesses agreed unanimously to a new petition to the King asking for his interposition to prevent Parliament levying taxes in America.

October 15, 1770. Lord Botetourt of necessity had often opposed the colonists in their quarrel with the British Parliament, but he had done so without losing their affection and respect. On October 15, 1770, he died. William Nelson, president of the Council, then acted as Governor until the fall of 1771 when Governor Dunmore arrived.

October 12, 1771. John Murray, Earl of Dunmore, dissolved the General Assembly of 1769-1771 after coming to Virginia on September 25, 1771. Dunmore, Virginia's last British Governor, was an unperceptive and timorous man, a man who could do nothing to still the coming storm that rent an Empire.

February 10, 1772. The General Assembly of 1772-1774 met February 10-April 11, 1772; March 4-15, 1773; and May 5-26, 1774, when it was dissolved. Meeting in an interlude of relative peace between Britain and her colonies (1770-1773), the Assembly in its spring session of 1772 proceeded in a routine fashion and the Burgesses found no occasion to try the mettle of the new Governor.

March 4, 1773. Governor Dunmore for the first time found reason to complain of the General Assembly in its March meeting of 1773. He was miffed by an implied rebuke of the House of Burgesses for his handling of counterfeiters; but he had better reason to be disturbed by another development. On March 12, the House revived its committee of correspondence and extended its functions. As proposed by a self-constituted meeting at the Raleigh Tavern and headed by Richard Henry Lee, the House instructed its new committee of correspondence to inquire into the **Gaspée** affair, to keep in touch with the legislatures of the other colonies, and to correspond with the London agent. A key factor in the transfer of power which was to come shortly, the plan of a committee of correspondence was quickly adopted in the other colonies. Before proroguing the Assembly on March 15, Governor Dunmore signed the last Acts assented to by the royal Governor of Virginia.

May 24, 1774. The May meeting of the Assembly was uneventful until the news of the Boston Port Acts stirred up a hornets' nest in the House of Burgesses. The House expressed alarm and promptly declared June 1, the day the Acts were to go into effect, a day of fasting and prayer. Two days later, May 26, Governor Dunmore dissolved the General Assembly of 1772-1774. One consequence of interrupting the Assembly before any legislation had been completed was to put an end to civil actions in the courts for the lack of a fee bill, which pleased many a debt-ridden colonist.

May 27, 1774. On May 25, the day after the news of the Boston Port Acts, Richard Henry Lee had ready his proposals for calling a Continental Congress, but when he delayed presenting them to the House so as not to invoke dissolution, he lost the opportunity of having the House of Burgesses act upon them. The day after Dunmore had dissolved the Assembly, the members of the House met in the Apollo room of the Raleigh Tavern. After denouncing the "intolerable" Acts, they instructed the committee of correspondence to write to the other colonies and propose a Continental Congress.

May 30, 1774. Twenty-five Burgesses who were still in town met to consider a packet of letters fresh from Boston. Massachusetts proposed that all of the colonies suspend all trade with Britain. The Burgesses agreed to send out notices to the members of the "late House" for a meeting on August 1, 1774. During the next two months, the inhabitants in the various counties met to elect delegates to the August Convention and to prepare resolutions condemning the Boston Port Acts. Feeling was running high and sympathy for Boston took the form of an outpouring of gifts for the unfortunate city. Jefferson's **Summary View** published at this time was intended as a guide for the August Convention, but it was too advanced for the moment in its outright denial of all Parliamentary authority in America.

August 1, 1774. With the meeting of the August Convention, Virginia took a big step toward revolution and began to build an extra-legal framework which would take over the functions of government when British authority collapsed. The Convention agreed to import no more from Britain after November 1 and to export no more after August 10, 1775. It chose as delegates to the Continental Congress Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton. The Convention instructed each county to appoint a committee of correspondence. The amazing effectiveness with which the committees organized the counties helps to explain Virginia's smooth transition from colony to commonwealth.

1775. With an estimated population of 550,000, Virginia had 61 counties on the eve of the Revolution. Ten of these were formed since the departure of Governor Dinwiddie in 1758: Fauquier in 1759; Amherst and Buckingham in 1761; Charlotte and Mecklenburg in 1765; Pittsylvania in 1767; Botetourt in 1770; and Berkeley, Dunmore, and Fincastle in 1772.

March 20, 1775. Peyton Randolph, moderator of the August Convention, called for a meeting at Richmond in March. The March convention, dominated by members of the House of Burgesses, approved the work of the Continental Congress, but foremost in the minds of the delegates was the problem of defense. After Henry's "Give me liberty or give me death" speech, the delegates made provisions for developing a military establishment. What they in fact did was to undermine the regular militia through the formation of "Independent Companies" in the counties. The revolutionary government which was evolving became a little more clearly defined when the Convention instructed each *county to elect two* delegates to sit in future Conventions.

April 20, 1775. Lord Dunmore watched the events of 1774-1775 with helpless alarm. Particularly frightening for him was the formation of the "Independent Companies" in the spring of 1775. On the night of April 20 he took the precaution of having the small store of arms and ammunition in the magazine at Williamsburg removed and placed on H.M.S. **Fowey** in the York River. On the morning of the 21st, the people of Williamsburg learned what the Governor had done during the night and were vastly excited. An incredible wave of fury spread through the Colony and everywhere men took up arms. All the pent up passion of the past months was turned against the unfortunate Governor.

April 28, 1775. At the height of the excitement over the powder magazine affair, news came from the northward that colonials had engaged British regulars at Concord and Lexington.

May 3, 1775. Thoroughly frightened, Lord Dunmore made a public proclamation on May 3 in which he attempted to justify his actions of April 20 and to pacify the people. Beyond being pacified, the people cheered Patrick Henry who marched upon Williamsburg with the Hanover Independent Company and stopped short of the town only because Governor Dunmore sent him 300 pounds to pay for the powder taken from the public magazine.

June 1, 1775. Fortified with Lord North's conciliatory proposals, Dunmore made his last bid to regain control of the colony by recalling the General Assembly to Williamsburg on June 1, 1775. The Burgesses refused to re-open the courts as Dunmore asked; they approved the proceedings of the Continental Congress and the colonial Conventions without a dissenting vote; and then they allowed Jefferson to reply to North's proposal in terms of his **Summary View** of the year before.

June 8, 1775. Lord Dunmore wrote the Assembly that he considered Williamsburg no longer safe for him and his family and that he had taken up residence in the **Fowey** in the York River. When the General Assembly refused to do business with him there and proceeded to operate independently of the Governor, royal government in Virginia was virtually at an end. The General Assembly adjourned itself on June 24 to October 12, 1775, and then to March 7, 1776, and finally to May 16, 1776, but a quorum never appeared.

July 17, 1775. The July Convention completed the transfer of power from the royal government to the revolutionists. It sought to legalize its control by providing for the proper election of its members. The Convention became the successor of the colonial General Assembly. When the rumor went about on August 16 that Dunmore was going to attack Williamsburg, the Convention appointed a Committee of Public Safety of 11 members. This Committee acted as the executive of the Colony until after the adoption of the constitution in 1776. The Convention also set up the basic structure for the defense establishment and for taxation.

November 7, 1775. The main threat to the revolutionary regime in 1775 came from Lord Dunmore who remained at Norfolk with his small fleet and a detachment of British regulars. Despite the "chicken stealing" raids of the ships in the late summer and fall, the Committee of Public Safety made no move against Dunmore until after he had declared martial law on November 7 and it had become apparent that disaffection was growing in Norfolk.

December 1, 1775. The December Convention acted as the legislative body for the government of Virginia.

1776. Hampden-Sydney, a school for men, was founded under the auspices of the Hanover Presbytery.

January 1, 1776. The provincial forces skirmished with Dunmore's at Great Bridge on December 9 and took Norfolk on December 14. The guns of Dunmore's ships set Norfolk afire on January 1, 1776, and colonial troops, with connivance of officers, added to the conflagration by setting fire to the houses not hit by the ships. Lord Dunmore finally sailed away in May, 1776.

May 6, 1776. The revolutionary Convention met for the last time in May and June of 1776. It proceeded to draw up a constitution for Virginia, which it adopted on June 28. It incorporated in the constitution George Mason's famous Bill of Rights and provided that the legislature should dominate the new government.

May 15, 1776. The Convention adopted Richard Henry Lee's resolution instructing the delegates to the Continental Congress to urge the Congress "to declare the United Colonies free and independent States."

June 29, 1776. The Convention chose Patrick Henry to be the first Governor of the Commonwealth of Virginia. A skilled agitator, a great orator, and a radical-turning-conservative, Henry made but an indifferent Governor.

July 8-9, 1776. At the battle of Gwynn's Island, Dunmore's fleet was so severely damaged that he soon left the coast of Virginia, never to return.

1776. During the Revolution, nineteen counties were formed: Monongalia, Ohio, and Yohogania in 1776;Henry, Kentucky, Montgomery, Washington, Fluvanna, and Powhatan in 1777; Greenbier, Rockbridge, Rockingham, Shenando, and Illinois in 1778; Fayette, Jefferson, and Lincoln in 1780; Greensville in 1781; and Campbell in 1782.

October 7, 1776. The first session of the new legislature was dominated by Thomas Jefferson, who replaced Henry as the leader of the more radical elements in Virginia. Jefferson began a needed revision of the laws. In the next two decades, the colonial codes and laws were adapted to the needs of an independent state. In this same session, he also secured the abolition of primogeniture and entail, humanized the criminal code, and began his attack upon the church establishment.

July 4, 1778. George Rogers Clark captured Kaskaskia. On the strength of this victory, the Virginia legislature created Illinois county, thus providing the first American administrative control in the Northwest Territory.

February 25, 1779. The dramatic capture of Vincennes by George Rogers Clark on this date secured the Northwest Territory from British control.

May 9, 1779. For the first three years of the Revolutionary War, Virginia was spared invasion because the British were concentrating their efforts in the northern colonies; but on May 9, 1779, Admiral Sir George Collier anchored in Hampton Roads with a British fleet. After capturing Portsmouth with little trouble, he sent out raiding parties and then departed. Naval stores in large quantity and thousands of barrels of pork were destroyed.

June 1, 1779. Thomas Jefferson was elected Governor to replace Patrick Henry. Weakened by a conservative shift in opinion and unable to cope with invasion which came in 1780, Governor Jefferson left office with a tarnished reputation, June 12, 1781. He was replaced by Thomas Nelson who served only until November 30, 1781. Benjamin Harrison was the last of the war Governors.

April, 1780. The capital was moved from Williamsburg up to Richmond.

October, 1780. The British recaptured Portsmouth, this time primarily for the purpose of establishing communication with General Cornwallis in South Carolina. General Leslie remained in Portsmouth with hs 3000 men for one month.

January 5, 1781. The thrd and most serious British attack upon Virginia was carried out by General Benedict Arnold who sailed through the Capes on December 30, 1780. Instead of stopping at Portsmouth, he continued on up the James to capture Richmond, the new capital, on January 5, 1781. After Arnold had set up his headquarters at Portsmouth, two attempts to launch a sea and land attack against him failed to materialize. Cornwallis marched into Virginia in late spring and in May crossed the James and entered Richmond. During the summer of 1781, the main achievement of Lafayette and the continental forces in Virginia was to avoid destruction.

July 25, 1781. Cornwallis, marching from Richmond, reached Williamsburg on June 25. He remained there until July 5, when he moved toward the James River where transports awaited to take him to the Surry side. Before he was able to make the crossing, he was attacked by Lafayette, at Green Spring. After successfully repelling the American forces, he crossed the river and pushed on to Portsmouth. In August he crossed Hampton Roads and marched to Yorktown, which he fortified.

August 30, 1781. The stage was being set for the destruction of Cornwallis's army when the French fleet under Admiral de Grasse sailed through the Virginia Capes on August 30, 1781. General Washington was hurrying with his army from New York and Lafayette was bringing up his troops preparatory to bottling up Cornwallis on the Yorktown peninsula where he had encamped with his army.

September 5, 1781. One avenue of escape for Cornwallis's army was shut off when De Grasse assured French control of the river and bay by repulsing the British fleet commanded by Admiral Graves.

September 28, 1781. The surrender of Cornwallis became only a matter of time when Washington brought his army up to reenforce the besieging forces of Lafayette.

October 19, 1781. General Cornwallis surrendered his army at Yorktown. With the aid of the French, General Washington had won for the colonies their independence. The independence of America became official with the signing of the Treaty of Paris on September 3, 1783.

October 20, 1783. Virginia, agreeing to the terms of Congress, ceded her claims to territory north of the Ohio, and the deed passed March 1, 1784. Virginia was shrunken to the limits contained in the present States of Virginia, West Virginia, and Kentucky.

Declaration of Independence

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the neccessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpation, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world:

He has refused to assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasions from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock trial from punishment, for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefit of trial by jury:

For transporting us beyond seas to be tried for pretended offenses.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws and altering fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the work of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the neccessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.